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101st CONGRESS
1st Session

SENATE

REPORT
101-14

LEGISLATIVE ACTIVITIES REPORT

OF THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

JANUARY 6, 1987-OCTOBER 21, 1988

APRIL 4 (legislative day, JANUARY 3), 1989.—Ordered to be printed

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*Mr. Zorinsky served as a member of the Committee until his death on March 6, 1987.

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1st Session

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LEGISLATIVE ACTIVITIES REPORT

APRIL 4 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations, submitted the following

REPORT

INTRODUCTION BY SENATOR CLAIBORNE PELL CHAIRMAN, COMMITTEE ON FOREIGN RELATIONS

The 100th Congress was a period of intense activity for the Foreign Relations Committee. It commenced in January 1987 with hearings on the Threshold Test Ban and Peaceful Nuclear Explosions Treaties and concluded in December 1988 with a hearing on issues relating to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. During that period, the Committee met over 267 times covering such diverse issues as arms control, environmental protection, international trade, the prevention of international drug trafficking, and the promotion of international labor standards.

With respect to legislation, the Committee continued to exercise its oversight responsibilities by successfully managing legislation authorizing appropriations for the Department of State, the United States Information Agency, the Agency for International Development, the Peace Corps, the Board for International Broadcasting and the Arms Control and Disarmament Agency. The Committee also considered legislation that was enacted into law which: provided for the imposition of sanctions against countries supporting international terrorism; strengthened the requirements for diplomatic reciprocity, immunity and security; called for the formulation and coordination of a U.S. policy to protect the global climate; reviewed the President's Annual International Narcotics Control Strategy Report and certification· established a U.S. Commission on Improving the Effectiveness of the United Nations; authorized an agreement to correct the pollution of the Rio Grande; and implemented the Convention on International Commercial Arbitration.

In addition to the consideration of legislation, action was taken by the Committee on 22 treaties. These included the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles (INF Treaty); the Montreal Protocol on Substances that Deplete the Ozone Layer; the Berne Convention for the Protection of Literary and Artistic Works; and two International Labor Organization Conventions Concerning Tripartite Consultations To Promote the Implementation of International Labor Standards and Minimum Standards on Merchant Ships.

Particular note should be taken of the INF Treaty. As the Committee report stated this "new Treaty is a ground-breaker for what the Committee hopes will become a productive new era of arms control agreements. Coupled with effective defense programs, the new accords could bring the United States into a period in which it is unquestionably strong and able to meet any challenges posed by its adversaries, but a period in which dependence upon nuclear weapons has been sharply reduced."

During the consideration of the INF Treaty, the Committee (and later the Senate) adopted the "Biden Condition," which decisively asserted that the Executive cannot, without Senate approval, change the meaning of a treaty. This provision, which upon the Treaty's ratification acquired the force of law, effectively resolved an issue that had arisen in connection with the Reagan Administration's effort to "reinterpret" the ABM Treaty. It thereby ended a prolonged dispute between the Executive Branch and the Senate concerning the shared allocation of the U.S. Constitution's "Treaty Power."

The Committee was also served by excellent subcommittee work. I would like to take special note of the work of the Subcommittee on Terrorism, Narcotics and International Operations and the Special Subcommittee on War Powers. Both Subcommittees conducted 9 days of hearings and heard testimony from over 30 witnesses on their respective subjects. This work was extremely valuable not only to the Committee but to the Senate as a whole.

Nominations received a considerable amount of attention in the 100th Congress. Of the 181 executive branch nominations referred to the Committee by the President, 145 were reported and confirmed. In addition, 2,034 foreign service officers received promotions with the approval of the Foreign Relations Committee.

The Committee conducted 267 public and closed hearings and published 68 reports and committee prints on legislation and other issues. In addition, and in accordance with Senate Rule XXV.1(j) regarding the jurisdiction of the Committee on Foreign Relations, the Committee hosted 78 official functions for delegations of visiting Cabinet-level foreign dignitaries.

On behalf of the Committee, I would like to express appreciation to the Foreign Affairs and National Defense Division of the Congressional Research Service, Library of Congress, for its cooperation in the preparation of the treaty and legislative histories contained in this report. I am particularly grateful to Larry Nowels and Cheryl Crow of the Library and Mary Jane Hatcher of the Committee staff for their invaluable services in compiling this report.

Overall the 100th Congress was an extremely productive period for the Committee on Foreign Relations. I would like to take this opportunity to express my gratitude to the Members and staff of the Committee who worked so diligently to make the 100th Congress a success. I would also like to thank my able and distinguished colleague, Senator Jesse Helms, the Ranking Minority Member, for his contribution to an excellent Congress.

The table below is a tabulation of the legislation discussed in this report.

Foreign affairs legislation in the Senate

Bills and joint resolutions:	
Referred to committee	145
Original measures from committee	6
Total	151
Reported	[1] 47
Became public law	[2] 17
Concurrent, Executive and Senate resolutions:	
Referred to committee	133
Original resolutions from committee	3
Total	136
Reported	26
Agreed to by Senate	[3] 30

[1] Thirteen of these were passed by the Senate and 6 were included in other public laws.
[2] In addition, 6 measures became law without referral to committee.
[3] There were 57 additional resolutions agreed to without referral to committee.

A. TREATIES

Treaties pending before the Senate at the beginning of the 100th Congress	50
Treaties submitted during the 100th Congress	22
Total during the 100th Congress	72
Approved by the Senate	22
Returned to the President	—
Reported favorably by the committee but not approved by the Senate	7
Still pending in committee at the end of the 99th Congress	50

1. Treaties Approved

AMENDMENT TO THE STATUTE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY (TREATY DOC. 99-7)

On June 26, 1985, an amendment to paragraph A.1 of Article VI of the Statute of the International Atomic Energy Agency (IAEA), relating to the composition of the Board of Governors, was transmitted to the Senate and referred to the Foreign Relations Committee. The amendment, which was cosponsored by the United States, was approved by the General Conference of the IAEA on September 27, 1984.

The purpose of the amendment is to increase, from 9 to 10, the members of the International Atomic Energy Agency designated for a seat on its Board of Governors by virtue of their status as most advanced in the technology of atomic energy (the "globally most advanced nations"), without regard to geographical distribution. The amendment would not alter the election, by the Agency's

General Conference, of 22 additional members to the board on the basis of a geographical formula.

The amendment was prompted largely by the People's Republic of China admission to the IAEA on January 1, 1984, and is intended to avoid displacing any other country holding a "nongeographical" seat on the Board resulting from China's new membership status. Two similar amendments designed to increase the board's size were adopted in 1963 and in 1973 in order to accommodate the changing composition of IAEA and the capabilities of its members.

The Foreign Relations Committee held a hearing on Treaty Doc. 99-7 on June 28, 1988, during which testimony was received from Department of State witnesses. The committee considered the treaty at its business meeting on July 13, 1988, and voted by voice vote to report (Exec. Rept. 100-21) the treaty amendment to the full Senate.

On September 7, 1988, the Senate agreed to the amendment to the Statute of the International Atomic Energy Agency by a vote of 97-0. The amendment was scheduled to enter into force after two-thirds of the agency's members have deposited instruments of ratification.

BILATERAL INVESTMENT TREATIES WITH SENEGAL, ZAIRE, MOROCCO, TURKEY, CAMEROON, BANGLADESH, EGYPT, AND GRENADA (TREATY DOCS. 99-14, 99-15, 99-16, 99-17, 99-18, 99-19, 99-22, 99-23, 99-24, 99-30)

A total of ten bilateral investment treaties were submitted to the Senate, and referred to the Foreign Relations Committee. On March 25, 1988, the President transmitted five treaties with the following countries: the Republic of Panama signed at Washington, October 27, 1982 (Treaty Doc. 99-14); the Republic of Senegal signed at Washington, December 6, 1983 (Treaty 99-15), with protocol; the Republic of Haiti signed at Washington, December 13, 1983 (Treaty Doc. 99-16); the Republic of Zaire signed at Washington, August 3, 1984 (Treaty Doc. 99-17), with protocol; and the Kingdom of Morocco signed at Washington, July 22, 1985 (Treaty Doc. 99-18), with protocol. On June 2, the President transmitted five additional bilateral investment treaties, including: the Republic of Turkey signed at Washington, December 3, 1985 (Treaty Doc. 99-19), with protocol; the Republic of Cameroon signed at Washington, February 26, 1985 (Treaty Doc. 99-22); the People's Republic of Bangladesh signed at Washington, March 12, 1986 (Treaty Doc. 99-23), with protocol and exchange of letters; the Arab Republic of Egypt signed at Washington, September 29, 1982 (Treaty Doc. 99-24), with a related exchange of letters signed March 11, 1986; and Grenada signed at Washington, May 2, 1986 (Treaty Doc. 99-30).

The purpose of these treaties is to promote and protect U.S. investment in developing countries. Following the establishment of the General Agreement on Tariffs and Trade (GATT) in 1948, U.S. trade relations with foreign countries has usually been determined through multilateral trade agreements. Since investment matters are currently outside the scope of GATT, in 1981 the United States began to negotiate a new series of bilateral investment treaties to promote the free flow of investment internationally, and to codify rules on investment and dispute settlement which the U.S. views as well established international law and precedent. The bilateral treaties considered by the committee represent the first in this new series of investment treaties.

The committee held a public hearing on the pending treaties on August 11, 1986, but no further action was taken in the 99th Congress. A second hearing was held on August 9, 1988, during which the committee received testimony from Mr. Eugene McAllister, Assistant Secretary of State for Economic and Business Affairs. On September 14, 1988, the committee voted to report eight of the ten bilateral investment treaties, subject to an identical understanding attached to each resolution of ratification stating that U.S. security interests, as determined by the President, would take precedence over provisions of the treaties. Action on the treaties with Panama and Haiti was deferred by the committee.

In its report (Exec. Rept. 100-32), the committee expressed its full support of the Administration's objectives in negotiating the bilateral investment treaties. However, the committee noted that it would have preferred that each treaty contain a provision prohibiting the imposition of performance requirements which require prospective investors to either export or purchase goods or services produced locally. The committee believes that such performance requirements present a serious impediment to U.S. investment and trade flows which, in turn, has a negative impact on the U.S. trade deficit. Only the treaties with Senegal, Cameroon, and Grenada prohibit performance requirements. The committee, therefore, urged the Administration to include a similar prohibition in future treaties.

The major provisions contained in each of these treaties seek to achieve four basic objectives. First, foreign investments are to be treated as no less favorably than investments of the host country ("national" treatment) or no less favorably than investments of third countries ("most favored nation" treatment), whichever is the most favorable, subject to certain specified exceptions. Second, international law standards shall apply to investments and the prompt payment of fair compensation for expropriations. Third, access to foreign exchange and the right to repatriate capital are to be guaranteed (including the unimpeded transfer of funds from returns on investments, royalties, loan repayments, and liquidations), except under emergency situations. Fourth, international arbitration procedures are to be established for the settlement of investment disputes.

With the exception of the treaty with Grenada, each of the eight bilateral investment treaties differed slightly from the major provisions and objectives outlined above. The following is a brief summary of these differences.

The Bilateral Investment Treaty with Senegal.—The treaty with Senegal explicitly stated that freedom of employment does not necessarily guarantee the right of entry of any person into the country in which an investment is taking place. With respect to the "national treatment" of U.S. investments, the treaty exempts that portion of Senegal's economy which represents "small and medium-sized enterprises specified in Law 81-51 July 26, 1981".

The Bilateral Investment Treaty with Zaire.—Because Zaire has a severe foreign exchange shortage, it rejected a provision for the unimpeded transfer of funds associated with an investment into and out of the host country. Rather, the treaty permits Zaire to delay, up to three years, transfers on the proceeds of liquidations of investment, and discretionary authority as to the type of convertible currency in which the transfer will be made. With respect to the "national treatment" of foreign investments, the treaty exempts transportation, and health and education infrastructure projects.

The Bilateral Investment Treaty with Morocco.—The treaty with Morocco provided that U.S. investors seeking to make an investment in Morocco will be accorded "most favored nation" treatment, and extended "national" treatment once the investment has been established. The treaty further required the approval of the Moroccan Government before profits can be reinvested, and that parties involved in an investment dispute must first seek local remedies before a U.S. investor may seek international arbitration after a specified time period.

The Bilateral Investment Treaty with Turkey.—Similar to the Morocco treaty, the treaty with Turkey provided "most favored nation" treatment for prospective investments, and "national" treatment for established investments. Turkey exempted, however, the following economic sectors from "national" treatment: tobacco, alcoholic beverages, and unincorporated retailing and service operations. The treaty also provided that payment of interest as delayed compensation for expropriation shall be equal to the government borrowing rate, rather than the usual "commercially reasonable rate"; and that the free and expeditious transfer of funds may be delayed up to three years due to unusual foreign exchange shortages.

The Bilateral Investment Treaty with Cameroon.—With regard to the payment of interest as compensation for expropriation, the treaty with Cameroon adopted the use of "current international rates". The treaty generally provided for the expeditious and free transfer of funds, but permitted the Government of Cameroon discretion in the choice of convertible currency with which to make payment. Finally, countries are not required to provide compensation for damages owed to nationals or companies responsible for damage to their own investments.

The Bilateral Investment Treaty with Bangladesh.—The treaty with Bangladesh excluded Bangladesh from providing compensation for any damage claims related to the 1971 war for independence.

The Bilateral Investment Treaty with Egypt.—The treaty with Egypt specifically defined control of an investment as "having a substantial share of ownership rights and the ability to exercise decisive influence". For the most part, the Egypt treaty imposed extensive limitations on "national" treatment associated with commercial and investment activities. In addition, the treaty significantly deviated from the free and expeditious transfer of funds by prohibiting investors from repatriating or disposing of investment capital for five years from the time it was imported. Transfers may also be delayed by Egypt due to foreign exchange shortages.

The Senate considered the eight bilateral treaties en bloc on October 20, 1988, and agreed by a division vote to the resolutions of ratification, subject to the identical understanding.

Each of the eight bilateral investment treaties were scheduled to enter into force 30 days after the date of exchange of ratification instruments, and shall remain in force for ten years thereafter. After the initial ten year period, the treaties shall continue in force until such time as either party gives one year's written notice of its intention to terminate. Upon termination, all provisions of the treaty shall continue in effect for an additional ten years with respect to investments established or acquired prior to the date of termination.

INTERNATIONAL LABOR ORGANIZATION (TREATY DOCS. 99-20 AND 99-21)

On April 10, 1986, the President transmitted ILO Conventions No. 144 and No. 147 to the Senate, marking the first time since February 1953 that an ILO convention had been considered by the full Senate. Of the International Labor Organization's 162 conventions, only 7 (of which 5 ultimately came into force) have previously been ratified by the United States. These seven were primarily maritime-related treaties.

The Committee on Foreign Relations held a combined public hearing for both conventions on October 1, and October 27, 1987. Under the chairmanship of Senator Moynihan, committee members heard testimony from administrative officials as well as representatives of labor and business. The committee ordered both conventions reported on December 17, 1987.

The Senate considered the two Conventions simultaneously on February 1, 1988, with Senators Moynihan and Hatch managing floor debate. The Senate gave its advise and consent to ratification of ILO Convention No. 144, with a declaration, and No. 147, with understandings, on February 1, 1988, by votes of 81-2 and 84-0, respectively.

Both ILO Conventions No. 144 and No. 147 were scheduled to enter into force 12 months after the U.S. instrument of ratification had been deposited with the Director-General of the International Labor Organization.

Background on the ILO and Committee Views

The International Labor Organization (ILO) was formed in 1919 as a semiautonomous body of the League of Nations. International labor standards established by the ILO are codified in ILO conventions and adopted by the International Labor Conference, which meets annually in Geneva. Although the United States did not join the League, it did join the ILO in 1934. The ILO became a specialized agency of the United Nations in 1946, and has a current membership of 150 nations.

The ILO is unique among international organizations in its tripartite organization. In addition to a government representative, each member country is represented by a labor and an employer delegate. Participation in the ILO permits the United States to advocate the American economic, social, and political systems; and to stress the advantages of a pluralistic society as compared to Communist and other totalitarian systems. ILO efforts to conduct impartial investigations of human rights violations in Eastern Europe have been actively supported by the United States. The ILO also provides a channel to assist less developed countries to advance in economic and social directions compatible with American ideals. The ILO plays a major role in promoting international free labor movements and workers' rights—including the freedom of association; the right to bargain collectively; and protection against forced labor, child labor abuses, and discrimination in employment.

Although the United States has long practiced tripartite consultation on ILO issues, the consultative process on international labor issues was first formalized in 1975 by President Ford's creation of a Cabinet-level advisory committee on the ILO. With the creation of the "President's Committee on the International Labor Organization" on June 18, 1980, the principle of tripartism was further institutionalized as an essential component of U.S. international labor policy under the Carter Administration. The present membership of this committee is comprised of the Secretaries of Labor, State, and Commerce, the Assistant to the President for National Security Affairs, and the presidents of the AFL-CIO and the United States Council for International Business.

The United States withdrew from the ILO in 1977, charging that ILO proceedings had become increasingly politicized with anti-democratic and anti-Israel polemics, and the pursuit of extraneous issues unrelated to the purposes of the ILO. The United States further criticized the ILO for its disregard of due process; complacency toward violations committed by Communist governments; and erosion of the ILO's founding principle of tripartite consultations between representatives of government, business, and labor. Following several reforms by the ILO, the United States resumed membership in 1980.

ILO Convention No. 144

International Labor Organization Convention No. 144 Concerning Tripartite Consultations To Promote the Implementation of International Labor Standards, was adopted by the International Labor Conference at Geneva on June 21, 1976. The purpose of Convention No. 144 and accompanying administration Recommendation No. 152 was to provide a procedural standard for participation in the ILO, based on effective tripartite consultations between representatives of governments, employers, and workers on matters of concern to the ILO. The nature and form of these procedures shall be determined in accordance with the national practices of individual countries party to the Convention, and were, therefore, not intended to supersede U.S. domestic labor law.

The major provisions of ILO Convention No. 144 stated that representatives of employers and workers shall be freely chosen by their representative organizations, and given equal status in the ILO consultative process. The convention further specified that the term "representative organizations" shall be interpreted as those representative organizations of employers and workers which enjoy the right of freedom of association. The convention also provided that each member of the ILO which ratifies the agreement resolves to implement procedures which ensure effective consultation between representatives of government, labor, and business on matters concerning the ILO. These provisions were further amplified by Recommendation No. 152, which suggested additional consultations on other matters of mutual concern to the ILO's tripartite structure.

During committee hearings on this Convention, the National Association of Manufacturers expressed concern that article 5(c)(1) would undermine the current agreement between the U.S. Government, the AFL-CIO, and the U.S. Council for International Business. According to that agreement, the merits of each ILO convention will be examined on a tripartite basis; any differences between these conventions and Federal law will be dealt with in the normal legislative process; and any subsequent ratification of ILO conventions is not intended to change State or Federal law. In response to this concern, Senator Moynihan proposed an amendment during committee markup which restated this agreement in the form of a formal declaration to the resolution of ratification. The Moynihan declaration was adopted unanimously by the committee.

At its business meeting on December 17, 1987, the committee voted 15-3 to report ILO Convention No. 144, as amended by the Moynihan declaration (Exec. Rept. 100-11). Senators Helms, Pressler, and McConnell voted against the favorable committee report.

Several objections to the ILO convention were raised by the additional views of Senator Helms which were included in the committee report. Specifically, Senator Helms opposed the convention on the grounds that the ILO's tripartite structure fails to provide representation for the 85 percent of the U.S. labor force which does not choose to unionize. He also objected that language in the Convention calls upon the United States to reexamine Conventions which it has not ratified. He objected to the accompanying declaration because it was mandatory, noting that it is unacceptable to change U.S. law by an international treaty or convention. In similar floor statements, Senators Moynihan and Hatch emphasized that U.S. failure to ratify a single ILO convention during the past 35 years had seriously undermined the effectiveness and credibility of the United States in ILO matters. The Senators urged ratification of Convention No. 144 as an important signal of U.S. support for the ILO at a critical juncture in that organization's reform efforts. Finally, in response to the objections voiced by Senator Helms, both Senators reaffirmed that ratification of the ILO convention was not intended to supplant U.S. labor law, and that any inconsistencies between the convention and the domestic laws of the United States would be handled through the normal legislative process.

The Senate gave its advise and consent to ratification of ILO Convention No. 144 on February 1, 1988, by a vote of 81-2. Senators Helms and Symms opposed the Convention's passage.

ILO Convention No. 147

International Labor Organization Convention (No. 147) Concerning Minimum Standards in Merchant Ships, was adopted by the International Labor Organization at its 62d Session in Geneva on October 13, 1976. The purpose of Convention No. 147 was to improve working standards in merchant vessels and to increase the ability of port states that are party to the Convention to take steps necessary to protect the health and safety of seamen manning merchant vessels calling in those states.

In transmitting Convention No. 147 to the Senate, the administration proposed five understandings to the U.S. instrument of ratification which clarify possible inconsistencies between domestic laws of the United States and the Convention. These five understandings subject U.S. ratification of Convention No. 147 to the following conditions:

—U.S obligations under Article 1 of the Convention do not extend to uninspected ships, including tugboats, of less than 300 tons;

—Exemption from coverage, as specified in Article 1, paragraph 4(b) of the Convention, includes fish processing vessels of not more than 5,000 tons and fish tender vessels of not more than 500 tons;

—The ratifying state is required to respect the general intent of the conventions listed in the Appendix to Convention No. 147, but is not required to adhere to the precise terms of the conventions.

—Substantive provisions of United States statutes and regulations are substantially equivalent to the rights and responsibilities established in the conventions enumerated in the Appendix.

—The legal status of the terms of collective bargaining agreements relating to shipboard conditions of employment have no greater legal effect than United States labor statutes.

The committee considered the Convention at its business meeting on December 17, 1987, and ordered the treaty and five understandings reported by a vote of 18-0 (Exec. Rept. 100-12).

The Senate approved ratification of ILO Convention No. 147 on February 1, 1988, by a vote of 84-0.

THE BERNE CONVENTION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS (TREATY DOC. 99-27)

The Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, was transmitted to the Senate on June 4, 1986 and referred to the Senate Foreign Relations Committee. The convention was first completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, and completed for the second time at Berne on March 20, 1914. Since 1914, the convention has undergone several alterations, including a revision at Rome on June 2, 1928, at Brussels on June 26, 1948, at Stockholm on July 14, 1967, and at Paris on July 24, 1971, with an additional amendment in 1979.

The purpose of the Berne Convention is to protect the rights of authors in their creative works, and to specify the minimum terms of protection to be provided by member states. In this regard, the convention provides an illustrative list rather than an exhaustive taxonomy of protected works. This list includes "all productions in the literary, scientific and artistic domain," without limitation to the mode or form of their expression.

Operation of the convention is based on five fundamental principles. First, creative works shall enjoy protection in all member countries, which shall operate for the benefit of the author and his legal successors. Second, the convention assures the "national treatment" of protected works; that is, works which originate in a member state shall be extended the same protection which governs the works of nationals in other member states. Third, the enjoyment and exercise of such rights shall be automatically protected and may not be conditioned to the observance of special requirements or formalities. Fourth, protection within a country of origin shall be determined exclusively by domestic law, a matter that is deemed to be outside the scope of convention obligations. Fifth, protection may be restricted by member countries in the case of works originating in certain non-member states which fail to adequately protect the works of member states.

In his letter of transmittal, the President stated that the Berne Convention required legislation involving changes in the 1976 U.S. Copyright Act that would allow for U.S. adherence to the international standards contained in this convention. Accordingly, implementing legislation was reported from the Senate Judiciary Committee (S. 1301) on May 20, 1988 (Exec. Rept. 100-352), and from the House Judiciary Committee (H.R. 4262) on May 6, 1988 (Exec. Rept. 100-609), with respective committee hearings on this legislation having been conducted during the 3 previous years.

On April 26, 1988 the Senate Judiciary Committee sent a letter to the Foreign Relations Committee urging early consideration of the Berne Convention. In the letter, the Judiciary Committee noted that with implementing legislation on the verge of enactment, the role of the Foreign Relations Committee in reporting a resolution of ratification was crucial.

On July 11, 1988, the Foreign Relations Committee held a public hearing on the Berne Convention, during which testimony was received from State Department officials, the Library of Congress, and a representative from the Patent, Trademark and Copyright Law Section of the American Bar Association. At its July 13, 1988, business meeting, the Committee agreed, by voice vote, to report the convention (Exec. Rept. 100-17) to the full Senate.

In its report, the Committee noted that the Berne Convention is the oldest and most prominent multilateral mechanism for defending copyrights internationally, but because of differences concerning certain copyright principles, the U.S. has not adhered to this convention. Rather, the United States is a member of a more recent treaty, the Universal Copyright Convention (U.C.C.), administered by the United Nations Economic and Social Council (UNESCO). However, U.S. copyright relations became nonexistent or ambiguous under the U.C.C. when the U.S. withdrew from UNESCO.

The Committee also noted several important benefits affecting intellectual property rights which have heightened U.S. interest in accession to the Berne Convention. First, adherence to the convention would help to suppress the recent increase in copyright piracy on an international scale, and more specifically, of valuable U.S. copyrighted material. Notable technological advances make it easier to misuse and steal copyrighted works, rendering Berne membership all the more vital to U.S. interests. Second, adherence to Berne would strengthen U.S. credibility in its efforts to negotiate an intellectual property rights agreement under the General Agreement on Tariffs and Trade (GATT), as well as related bilateral agreements with developing countries. Third, U.S. negotiators can seek to secure in all countries a realistic minimum standard of protection for creative works, based on the minimum economic rights contained in the Berne Convention.

Implementing legislation for the Berne Convention was considered by the Senate on October 5, 1988, during which time the Senate agreed to S. 1301, the Berne Convention Implementation Act of 1987, by a vote of 90-0. The Senate then gave immediate consideration to a companion measure, H.R. 4262, the Berne Convention Implementation Act of 1988, which passed the House on May 10, 1988, by a vote of 420-0, and received in the Senate on the same day. The Senate amended H.R. 4262 by striking all after the enacting clause and substituting the language of S. 1301. As amended, H.R. 4262 was agreed to in the Senate on October 5, 1988, by a voice vote. The Senate amendment was agreed to by the House on October 12, 1988.

As amended by the Senate and approved by the House, H.R. 4262 extended comparable U.S. copyright protection to creative works of Berne member nationals, including architectural works; revised provisions concerning the licensing of coin-operated phonorecord players (jukeboxes); and provided that the scope of Federal preemption remains unaffected by U.S. adherence to the convention. The implementing legislation also made discretionary instead of mandatory the use of a notice of copyright on publicly distributed copies of protected works; declared that copyright notice requirements do not apply to publicly distributed copies of works or publications incorporating U.S. Government documents; and made registration a prerequisite to a copyright infringement action expect for actions regarding non-domestic Berne Convention members.

On October 31, 1988, H.R. 4262, the implementing legislation for the Berne Convention, having passed the Senate on October 5, 1988, and approved by the House on October 12, 1988, was signed by the President and became Public Law 100-568.

The actual Berne Convention and its resolution of ratification, reported by the Foreign Relations Committee, was considered by the Senate on October 20, 1988. The resolution of ratification was subsequently approved in the Senate by a division vote.

TAX TREATY BETWEEN THE UNITED STATES AND BERMUDA, AND SUPPLEMENTARY PROTOCOLS TO THE TAX TREATIES WITH BELGIUM AND FRANCE (TREATY DOCS. 99-30, 100-15, 100-21)

On February 2, 1988, the committee received for its advise and consent to ratification, the Convention between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland (on behalf of the Government of Bermuda) Relating to the Taxation of Insurance Enterprises and Mutual Assistance in Tax Matters, with a related Exchange of Notes, signed at Washington on July 11, 1986 (Treaty Doc. 99-30); and the Supplementary Protocol to the tax convention with Belgium, together with a related Exchange of Notes, signed at Washington on December 31, 1987 (Treaty Doc. 100-15). On June 16, 1988, the committee received the Supplementary Protocol to the tax convention with the French Republic, together with a related Exchange of Notes, signed on July 28, 1967 (Treaty Doc. 100-21).

The committee held a public hearing on the tax treaty with Bermuda on September 25, 1986, and a combined hearing for the two supplementary protocols to the tax conventions with Belgium and France on August 9, 1988. On September 14, 1988, the committee ordered the treaty and two protocols favorably reported by voice vote, subject to certain reservations.

The tax treaty with Bermuda and the supplementary protocols with Belgium and the French Republic, with their respective understandings, were subsequently ratified in the Senate on October 21, 1988, by separate division votes. The following is a summary of the major provisions and respective reservations for the tax treaty and each of the two supplementary protocols.

CONVENTION WITH THE UNITED KINGDOM (ON BEHALF OF BERMUDA) (TREATY DOC. 99-30)

The primary purpose of this treaty was to promote continued close political and economic cooperation between the United States and Bermuda by providing certain U.S. tax reductions, and effecting greater cooperation in preventing the avoidance and evasion of U.S. taxes. No similar tax treaty between the two countries was currently in force.

The major provisions of the treaty limited U.S. taxation of Bermuda-based insurance enterprises, and eliminated the Federal excise tax on certain insurance and reinsurance premiums paid to Bermuda-based insurers of U.S. risks. The treaty also provided for mutual assistance in tax matters, including the exchange of information. As amplified by the accompanying diplomatic notes, the U.S. Treasury Department was prepared to certify that, under the treaty, U.S. citizens would be able to obtain Foreign Sales Corporation tax benefits by exporting through qualifying companies organized in Bermuda. As indicated in the notes, the Treasury Department would enter into an executive agreement with Bermuda which will allow persons incurring expenses for attending business conventions in Bermuda to claim U.S. tax deductions for those expenses.

In general, the committee believed that the treaty promoted important national security interests by encouraging strong and positive relations between the United States and Bermuda, and also provided significant benefit to the U.S. tax authorities in enforcing U.S. tax laws.

However, when viewed apart from these benefits and unique circumstances of the U.S.-Bermuda relationship, the treaty raised important tax policy issues of significant concern to the committee. In its report (Exec. Rept. 100-23), the committee questioned the wisdom of entering into a tax treaty that reduces U.S. tax with a country which has no direct taxes, when the traditional justification for granting such tax reductions has been the avoidance of international double-taxation. The committee, therefore, recommended ratification of the treaty, subject to two reservations.

First, the committee expressed substantial reservation about the waiver of excise taxes on insurance premiums earned by Bermuda companies insuring U.S. risks. The committee noted that in 1985, the United States ratified a similar agreement with Barbados. Since Barbados and Bermuda are competitors in the offshore insurance market, the Barbados treaty unintentionally placed Bermuda at a serious competitive disadvantage. In retrospect, the committee believed that the insurance excise tax waiver should not have been granted to Barbados, and has asked the Treasury and State Departments to renegotiate the Barbados treaty to eliminate this waiver by January 1, 1990. Because of this commitment, the committee recommended approval of the Bermuda treaty as long as Bermuda agrees to eliminate the waiver of U.S. insurance excise tax by January 1, 1990.

Second, the committee proposed a reservation to the treaty limiting the waiver by the U.S. of its insurance excise tax. Otherwise, a waiver of U.S. insurance excise tax with respect to premiums earned by Bermuda insurance companies would allow such income to escape all current U.S. tax by virtue of the treaty provisions and U.S. tax codes, an undesirable situation, in the committee's view, which could allow Bermuda insurance companies to gain substantial market advantages.

Even with the addition of these reservations in the resolution of ratification, the committee clearly stated that it did not believe that the treaty with Bermuda should serve as a precedent for future U.S. tax treaty negotiations.

The committee also noted that the anti-treaty-shopping provisions contained in the treaty with Bermuda was less restrictive than the comparable anti-treaty-shopping provisions of the 1981 U.S. model tax treaty and other recent U.S. tax treaties. The U.S. model allows benefits to be denied unless more than 75 percent of a resident company's stock is held by individual residents of the country of residence. By contrast, the proposed treaty lowered the qualifying percentage to 50 percent, and broadened the class of qualifying shareholders to include residents of either treaty country and U.S. citizens, thus creating a "safe harbor" easier to enter under the Bermuda treaty. The committee was concerned that the treatment of U.S. residents and citizens as qualifying shareholders would allow U.S. owners of Bermuda-based insurers to operate free of insurance excise tax, and could encourage additional movement of U.S. insurance activity offshore. The committee questioned whether the anti-treaty-shopping provisions, generally aimed at preventing treaty benefits from accruing to third-party countries, should be used to facilitate the indirect reduction of U.S. taxes for U.S. persons.

The committee was informed by the Joint Committee on Taxation that the treaty would reduce budget receipts by $178 million in fiscal year 1989 and by $24 million in fiscal year 1990.

The treaty is scheduled to enter into force upon exchange of the instruments of ratification, and enactment of implementing legislation on the part of Bermuda. The treaty will continue in force indefinitely, but either country may give a six-month prior notice of termination on or after June 30 of the first year following the calendar year of the treaty's entry into force.

SUPPLEMENTARY PROTOCOL TO THE TAX CONVENTION WITH BELGIUM (TREATY DOC. 100-15)

The supplementary protocol modified the Convention between the United States and Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, which was signed at Brussels on July 9, 1970 and which entered into force on October 13, 1972.

The primary purpose of the protocol was to reduce, from 15 percent to 5 percent, the maximum allowable rate of tax at source on direct investment dividends in cases where the beneficial owner of the payor is a company that owns at least 10 percent of the voting stock of the payor. By reducing effective foreign tax rates, effective January 1, 1988, the protocol would be of particular benefit to U.S. business which carry excess foreign tax credits on their foreign income. In addition, the protocol provided rules preventing nonresidents of the United States and Belgium from enjoying the reduced tax rate (a practice commonly referred to as "treaty shopping").

In its report (Exec. Rept. 100-24), the committee expressed two reservations concerning the supplementary protocol. First, the committee noted that although the protocol benefited U.S. businesses by reducing the maximum allowable tax rate on direct investment dividends, these reductions also raised concern that in cases where dividends are paid by a U.S. company which generally does not pay corporate level taxes, the reductions would be inappropriate. The committee argued that because regulated investment companies (RIC) and real estate investment trusts (REIT) receive such conduit treatment for United States income tax purposes, the proposed reduction in the U.S. withholding tax rate on dividends would be inconsistent with the primary purpose of dividend rate reduction and maintenance of source country jurisdiction over real property income. Consequently, the committee recommended approval of the protocol with an understanding that the Treasury Department initiate negotiations on a new convention with the objective of modifying the dividend reductions contained in the protocol and existing treaty in order to retain a proper amount of source country jurisdiction.

Second, the committee expressed concern that the protocol did not contain provisions which modify the existing U.S.-Belgium tax treaty to conform with the U.S. Tax Reform Act of 1986 (the 1986 Act). The 1986 Act enacted several fundamental changes in the taxation of U.S. persons doing business abroad and foreign persons doing business in the United States (e.g., the imposition of branch level taxes on foreign corporations earning income resulting from the conduct of a U.S. trade or business). The committee, therefore, recommended that the protocol be approved with the understanding that the Treasury Department negotiate a new convention with the objective of coordinating the internal tax laws of Belgium with U.S. domestic tax laws, as revised by the 1986 Act. In addition, the committee made it clear that Treasury is to conform all U.S. income tax treaties currently in force with U.S. tax law as revised by the 1986 Act, and signalled its intention not to act upon subsequent non-conforming protocols.

The committee was informed by the Joint Committee on Taxation that the protocol would decrease annual budget receipts by an estimated $500,000.

The protocol is scheduled to enter into force on the fifteenth day following the exchange of the instruments of ratification, and shall be applied retroactively to dividends, interest, and royalties credited or paid on or after January 1, 1988. The supplementary protocol will remain in force for the life of the United States-Belgium income tax treaty. However, either country may terminate the provisions of the protocol by giving at least a six-month written notice at any time after five years from the day the protocol entered into force. This termination provision shall be applied to dividends, interest or royalties credited or paid on or after the first January 1 that follows the expiration date of the six-month notification period.

PROTOCOL TO THE TAX CONVENTION WITH THE FRENCH REPUBLIC (TREATY DOC. 100–21)

The supplementary protocol amended the current Convention between the United States and the French Republic with respect to Taxes on Income and Property of July 28, 1967, which entered into force on July 11, 1978, as amended by the Protocols of October 12, 1970, November 24, 1978, and January 17, 1984.

The primary purpose of the protocol was to modify the existing U.S.-France income tax treaty to conform to changes in U.S. tax law created by enactment of the U.S. Tax Reform Act of 1986 (the 1986 Act). In particular, the protocol updated the treaty to account for the branch profits tax, imposed for the first time under the 1986 Act, on U.S. business income of a foreign corporation doing business in the United States; and required France to give a tax credit for U.S. branch profits tax paid by French residents. In addition, the protocol provided further relief from double taxation by adding a new exemption from French income tax for certain types of U.S.-related investment income of French residents who are U.S. citizens, so long as such residents have demonstrated compliance with U.S. tax obligations.

The protocol also made several other modifications to the existing treaty. First, the protocol altered, on a reciprocal basis, the definition of French and U.S. residents for treaty purposes, by adding the French and United States Governments, and their local authorities and political subdivisions to this definition.

Second, the protocol amended the definition of business profits by clarifying that a country may tax any such gain or income, including capital gains, attributable to a permanent establishment that a resident company has in the other country, where payments for such gain or income are not received until after the permanent establishment has ceased to exist.

Third, the protocol precluded the United States from imposing its dividend withholding tax on dividends paid by French resident corporations which have a certain amount of income attributable to a U.S. permanent establishment. The protocol also updated the definition of dividends to conform with the 1981 proposed U.S. model income treaty.

Fourth, the protocol added a rule allowing a treaty country to impose an otherwise allowable withholding tax on interest and royalty paid or accrued by a permanent establishment or fixed base in that country as soon as such establishment or base accrues a deduction for the interest and royalty. The protocol also provided a new sourcing rule for royalties, and clarified the treatment of royalties beneficially owned by a resident of the United States or France.

Fifth, the treaty's anti-treaty-shopping provision was strengthened by the addition of a "base-erosion" rule that prevents a resident receiving benefits from the other country from reducing the income base that is subject to tax in the resident country.

With respect to withholding tax rate reductions in the case of distributions by Regulated Investment Companies (RICs) and Real Estate Investment Trusts (REITs), the committee expressed a similar reservation to that of the Belgium protocol. In its report (Exec. Rept. 100–25), the committee recommended that the protocol with the French Republic be approved subject to the reservation that the Treasury Department negotiate a new protocol to modify the dividend rate, and to deny inappropriate relief from taxation at source on dividends paid by RICs, and REITs, and other U.S. corporations that receive conduit treatment for U.S. income tax purposes.

With respect to application of the U.S. branch tax, the committee stated in its report that the proper interpretation of the language contained in the protocol is that branch tax may be imposed at a 15-percent rate if more than 25 percent of the gross income attributable to the relevant permanent establishment for the prior taxable year consisted of interest and dividends.

The committee also noted that the anti-treaty-shopping provision contained in the protocol is more lenient than comparable anti-treaty-shopping provisions of the 1981 model tax treaty model or provisions sought by the United States in some treaty negotiations since 1981. Nevertheless the committee feared that a reservation on this issue would considerably delay ratification of the protocol and the resultant benefits derived by U.S. citizens. Consequently, the committee recommended Senate approval without reservation as to whether the principal purpose test used in the protocol should be replaced with the active business test for the purpose of determining the limitation of treaty benefits.

The committee was informed by the Joint Committee on Taxation that the protocol's effect on budget receipts would be negligible.

The protocol is scheduled to enter into force upon notification by both parties that constitutional procedures necessary for entry into force have been satisfied. Once in force, taxes withheld at source will apply to amounts payable on the first day of the second month following entry into force; U.S. branch profits tax will apply to profits realized in taxable years ending on or after entry into force; exemption from French tax for certain U.S.-source investment income and related gains earned by U.S. citizens in France will apply retroactively to income derived on or after January 1, 1988;

and remaining provisions will apply to taxable years beginning on or after entry into force.

The protocol with the French Republic adheres to the same termination provision as the protocol with Belgium.

INTERNATIONAL WHEAT AGREEMENT (TREATY DOC. 100-1)

The International Wheat Agreement (1986), which consists of the Wheat Trade Convention (1986) and the Food Aid Convention (1986), was signed on June 26, 1986.

The current agreement replaced the International Wheat Agreement (1971), which having been extended by protocols, expired on June 30, 1986. The purpose of replacing the Wheat Trade Convention was to maintain the framework for international cooperation in wheat trade matters, by authorizing the International Wheat Council to collect and disseminate information on grain market conditions, with particular reference to supply, demand, trade and prices. In its report, the committee noted that due to arrearages in its contributions, the United States has lost voting rights on the Wheat Trade Council. The Foreign Relations Committee strongly urged the administration to restore full funding for the Council.

In replacing the Food Aid Convention, parties' maintained previous commitments to provide minimum annual quantities of cereals food aid to developing countries. The committee report declared the U.S. annual commitment to be 4,470,000 metric tons, an amount well within currently authorized food aid programs under P.L. 480, the Agricultural Trade Development and Assistance Act of 1954.

The International Wheat Agreement was transmitted to the Senate on January 21, 1987. The Foreign Relations Committee held a hearing on the Agreement on September 24, 1987. At its business meeting on October 21, 1987, the committee voted unanimously to report both conventions (Exec. Rept. 100-10, Oct. 30, 1987). On November 17, 1987, the Senate approved the International Wheat Agreement by a vote of 94-0. The International Wheat Agreement entered into force internationally on July 1, 1986, with the Wheat Trade Convention remaining in force until June 30, 1991, and the Food Aid Convention remaining in force until June 30, 1989.

MARPOL CONVENTION, ANNEX V (TREATY DOC. 100-3)

Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78), was negotiated under the auspices of the International Maritime Organization. The purpose of Annex V is to prohibit (subject to limited exceptions) the disposal from ships into the sea of all plastics, and to restrict the discharge of other types of garbage and food wastes to specified distances from the nearest land.

Although the Refuse Act of 1899 (33 U.S.C. 403-466 g-l) prohibited the dumping of garbage in rivers and harbors, until recent years there has been no effort to control such practices which occur on the high seas beyond the nearest land. Since the Refuse Act of 1899, the type of refuse disposed overboard has changed from degradable materials to nondegradable plastic products. Because plastic debris degrades slowly in the marine environment, once discharged it threatens marine wildlife, and poses physical hazards for humans and ships. Careful control of garbage disposal is necessary to ensure that the harm to the marine environment is minimized.

In addition to prohibiting and otherwise restricting disposal of refuse from ships at sea, Annex V prohibited the disposal of all garbage from fixed or floating platforms engaged in seabed mineral resource activities, except for food wastes from platforms more than 12 nautical miles from land. The annex mandated that reception facilities capable of accepting waste from ships be required at ports and terminals. Annex V also provided for "special areas" where, because of oceanographic and ecological conditions, special disposal requirements with respect to garbage apply.

The Committee on Foreign Relations held a public hearing on Annex V on July 31, 1987. The Committee considered the treaty at its business meeting on September 24, 1987, and ordered the treaty reported by a vote of 19–0.

In Senate floor action, Senator Bentsen introduced for himself and six cosponsors, an amendment to add to the Resolution of Ratification an understanding that the U.S. Government shall make every reasonable effort to designate the Gulf of Mexico a "special area", governed by the terms of Regulation 5 of Annex V. The Bentsen amendment was agreed to in the Senate by voice vote. On November 5, 1987, the Senate, by a vote of 93–0, agreed to the Resolution to the Resolution of Ratification, as amended.

Annex V was scheduled to enter into force 12 months after the date on which at least 15 states, the combined fleets of which constitute not less than 50 percent of the gross tonnage of the world's merchant shipping, have become parties to the agreement. At the time of Senate consideration, 28 states had ratified Annex V, representing approximately 48% of the world's shipping tonnage. U.S. ratification would contribute the necessary tonnage to bring Annex V into force.

In related legislative activity, H.R. 3674 provided for congressional approval of the Governing International Fishery Agreement between the United States and Japan; and domestic implementation of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973. Title II of H.R. 3674 applied regulations for the disposal of garbage at sea—established in Annex V of the MARPOL Convention—to all U.S. vessels wherever they are located, and to foreign vessels within the navigable waters and exclusive economic zone of the United States. The bill directed the Coast Guard to develop guidelines for the establishment of garbage reception facilities in U.S. ports and to ensure the use of such facilities. Enforcement and assessment of penalties for illegal garbage disposal would be carried out under the provisions of existing law. The measure also initiated a public education program on the harmful effects of plastic pollution in our marine environment and the need for compliance with Annex V regulations.

H.R. 3674 passed the House on December 18, 1987, and was received in the Senate on the following day. The Senate approved the measure without amendment on December 19, 1987, by voice vote.

H.R. 3674 was signed by the President on December 29, 1987 and became Public Law 100-220.

CONVENTIONS ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT AND ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY (TREATY DOC. 100-4)

On March 23, 1987, two conventions on nuclear accidents were referred to the Senate Foreign Relations Committee: the Convention on Early Notification of a Nuclear Accident, and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. Both conventions were adopted in Vienna at a special session of the General Conference of the International Atomic Energy Agency (IAEA) on September 26, 1986, and were signed by the United States on the same date.

The two conventions were negotiated in response to the Chernobyl nuclear accident in the Soviet Union. In the aftermath of that accident, participants at the May 1986 Tokyo Economic Summit agreed that a convention dealing with notification of nuclear accidents with potential transboundary consequences was urgently needed. Consequently, the primary purpose of the two conventions was to develop legal obligations requiring notification when certain nuclear accidents take place and the provision of information relevant to minimizing an accident's radiological consequences, and to establish a framework under which assistance may be provided in the event of nuclear accident or radiological emergency.

On June 28, 1988, the Foreign Relations Committee held a public hearing on the notification and assistance conventions, during which testimony was received from State Department officials. At its July 13, 1988, business meeting, the committee voted, by voice vote, to report the conventions (Exec. Rept. 100-20) to the full Senate, subject to certain reservations.

The notification and assistance conventions entered into force internationally on October 27, 1986, and February 26, 1987, respectively. The conventions will enter into force for a particular state 30 days after that state has expressed its consent to be bound. A state party may, however, denounce the convention by written notice, effective 1 year from the date the notification is received by the depositary, the Director General of the IAEA. Neither convention affects other international agreements, and where deemed appropriate, state parties are free to conclude related bilateral and multilateral arrangements.

Convention on Early Notification of a Nuclear Accident

With regard to notification obligations, the convention required a responsible state party to notify the IAEA and potentially affected states of nuclear accidents involving a wide range of civil and military facilities and activities of a state party, individuals, or legal entities under its jurisdiction. The convention would not apply to accidents involving nuclear weapons and related activities, which are left to the discretion of nuclear weapons states to provide voluntary notification of such accidents.

The notification convention also required a state party to promptly provide the IAEA with available information relevant to minimizing radiological consequences, and to respond to requests for further information or consultation by an affected state party. The role of the IAEA in this regard was intentionally limited to the reception and transmission of such information.

The information to be provided by the responsible state includes: the time, exact location (where appropriate), nature of the accident, facility or activity involved, the accident's assumed or established cause and relevant development, the general characteristics and predicted behavior of the radioactive release, and the relevant meteorological and hydrological conditions. Unless specifically provided in confidence, the information provided by the reporting state may be used without restriction; the provision of classified or controlled information is not required.

Addressing the concerns of African states about South Africa's unsafeguarded nuclear program, the convention further called for an IAEA investigation as to the feasibility of establishing a radiation monitoring system if requested by a nonnuclear state party that borders a nonparty state with nuclear activities.

With regard to dispute settlement procedures, both the notification convention and assistance convention (examined below) established dispute settlement procedures for compulsory arbitration or submission to the International Court of Justice, but would allow a state to declare that it is not bound by these procedures. Because these conventions concern certain military nuclear activities on the part of the United States, the United States exercised this option upon signature of the convention. The committee concurred in this declaration, noting the that this action "will ensure that no third party can require the United States to provide information about military facilities or activities that we deem is not required under the convention". This reservation was reiterated in the resolution of ratification.

Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency

The assistance convention established a framework under which a state party may provide assistance to another state party in the event of a nuclear accident or radiological emergency. However, state parties are not required to offer, provide, or accept assistance.

Under the convention, a state party may call for assistance from any other party and the International Atomic Energy Agency (IAEA). States to which the request is directed must promptly notify the requesting party as to whether it will render assistance, as well as the scope and terms of such assistance. State parties are also requested to advise the IAEA, in advance, as to the type of assistance they are willing to provide and on what terms.

In keeping with this provision, the convention would permit an assisting party to provide assistance free of cost or to waive a right to reimbursement, but also created a legal right to require reimbursement where assistance is provided on that basis. Upon signing the convention, the United States declared that reimbursement of costs shall be among the terms of U.S. assistance unless explicitly specified otherwise, a declaration which the committee reiterated in the resolution of ratification.

The overall direction and control of assistance generally would be the responsibility of the requesting state within its territory, but the assisting party would be called upon to designate a person in charge of operational supervision over assisting personnel and their equipment. The convention also called upon state parties to facilitate transit of assisting personnel, equipment, and property through their territories.

The convention provided for certain "functional" privileges, immunities, and legal protection for the personnel of the assisting state. Because the United States would generally be an assisting party, it has sought to encourage other states to provide the most complete privileges and immunities available. Accordingly, upon signature of the convention, the United States stated that it is bound by this provision only to the extent that other states are bound. This reservation was repeated in the resolution of ratification.

The convention requested that the IAEA provide assistance in collecting and disseminating information on available assistance; and in helping member states prepare emergency plans and appropriate legislation, and in making available to requesting states resources allocated for conducting an initial assessment of the nuclear accident or emergency. Because the IAEA is currently engaged in many of these activities, this provision merely solidified the Agency's existing nuclear safety role and would not require additional resources for the IAEA.

FISHERIES TREATY WITH CERTAIN PACIFIC ISLAND STATES (TREATY DOC. 100-5)

The fisheries treaty with certain Pacific Island States, with annexes and agreed statement, was signed on April 2, 1987. The purpose of the treaty was to resolve serious foreign policy irritants caused by differing jurisdictional claims over the tuna fisheries of the South Pacific, and to prevent further deterioration of traditionally cordial relations between the United States and Pacific Island states.

All of these island states wish to exert resource jurisdiction over fisheries, including tuna, within their exclusive economic zones. This policy conflicts with the U.S. position that tuna is a highly migratory species not subject to regulation by coastal states. This situation has been a source of tension between the U.S. and a number of South Pacific nations and has provided the Soviet Union an opportunity to expand its influence in the region through bilateral fisheries agreements. The United States has sought to resolve this strategic problem and to secure agreed terms of access for the U.S. tuna industry by initiating negotiations with 16 Pacific Island countries for a regional commercial licensing arrangement.

The fisheries treaty and its annexes consist of two basic elements: a multilateral fisheries treaty, and an executive agreement between the United States and the South Pacific Forum Fisheries Agency (FFA), as an agent for signatory states. The multilateral fisheries treaty established the terms and conditions for U.S.-flag tunaboats to purchase annual licenses for access to some 10-million square miles of the South Pacific Ocean, primarily the 200-mile exclusive economic zones of the island states. These licenses will cost at least $50,000 per vessel, subject to the price of tuna. In addition, the U.S. tuna industry has guaranteed payment of $1.75 million for licenses in the first year, and technical assistance valued at $250,000 annually for 5 years. The executive agreement provided a 5-year U.S. economic assistance package, of $10 million annually in cash transfers, of which $9 million will be divided among participating states, and $1 million will be earmarked for development projects proposed through the Forum Fisheries Agency and approved by the U.S. Agency for International Development.

Senator Sanford chaired the committee's September 24, 1987 public hearing on the treaty. On October 21, 1987, the committee ordered the treaty reported by a vote of 19-0 (Ex. Rept. 100-9).

The Senate agreed to Treaty Doc. 100-5 on November 6, 1987, by a vote of 89-0. The treaty was scheduled to enter into force after the United States and 10 Pacific States, including the Federated States of Micronesia, Kiribati, and Papua New Guinea had deposited instruments of ratification.

THE INTERNATIONAL NATURAL RUBBER AGREEMENT, 1987
(TREATY DOC. 100-9)

The International Natural Rubber Agreement, 1987 (INRA 1987), which was concluded at the Fourth United Nations Conference on Trade and Development (UNCTAD) at Geneva on March 20, 1987, and signed on behalf of the United States on August 28, 1987, was transmitted to the Senate and referred to the Foreign Relations Committee on October 20, 1987.

The purpose of this multilateral commodity agreement is to stabilize natural rubber prices without interfering with long-term market trends, and to ensure adequate rubber supplies at reasonable prices. The INRA 1987 is the successor agreement to the first International Rubber Agreement (INRA 1979), which has proven extremely valuable in moderating price fluctuations through a market-oriented mechanism that operates consistent with underlying market forces.

The structure and provisions of the new agreement (INRA 1987) are essentially the same as that of the former INRA 1979. The INRA 1987 provides for the continuation of a natural rubber buffer stock of not more than 550,000 metric tons established by the 1979 agreement. The buffer stock will be used to defend a predetermined, but flexible price range that is adjusted regularly in accordance with market conditions.

The buffer stock operates on an established "reference price" for rubber based on long-term trends in world market prices. To keep prices within the desired range, the buffer stock manager buys or sells rubber in order to influence the market price. As long as market prices remain within 15 percent of the reference price, the market manager does not intervene. The market manager may intervene on a discretionary basis when market prices are 15-20 percent higher or lower than the reference price. If market prices rise or fall 20 percent or more above the reference price, the buffer stock manager is required to intervene in order to stabilize the price.

In order to achieve greater responsiveness to changing market conditions and long-term price trends, the United States successfully sought to improve the 1987 agreement by providing for a more frequent review and adjustment of the reference price every 15 months. The 1987 agreement also contained an obligation on the part of producer nations to maintain continuous availability of natural rubber, and a consumer nation commitment to maintain open market access.

The INRA 1987 is administered by the International Rubber Organization, which is divided into two categories of members — rubber exporters and importers. As in the previous agreement, the voting power, administrative costs, and financial contributions to the buffer stock are equally divided among exporters and importers, with individual country shares allocated on the basis of world market share. The United States share of the importers' vote is approximately 14 percent, and its future annual share of the agreement's administrative costs is approximately $200,000. Because existing U.S. assets from the INRA 1979 buffer stock exceed its initial INRA 1987 contribution and may be transferred to the new agreement, the Administration does not anticipate that additional U.S. contributions to the buffer stock account will be necessary.

The Foreign Relations Committee considered the new International Natural Rubber Agreement at its business meeting on July 27, 1988, and voted by voice vote to report the treaty (Exec. Rept. 100-22) to the Senate.

As noted in the executive branch comments contained in the committee report, the United States played an important role in the former INRA 1979 agreement, and in the negotiation of the INRA 1987. Since the United States does not produce natural rubber and must import it for use in a broad range of commercial and strategic applications, participation in the agreement has direct benefits to U.S. industry and consumers by ensuring stable prices and an adequate supply of this needed commodity. In addition, U.S. participation will also strengthen relations with a number of developing countries, especially Malaysia, Indonesia, and Thailand which account collectively for approximately 80 percent of global rubber production, as well as Sri Lanka, India, Liberia, Nigeria and other small producer countries in Asia, West Africa, and Latin America.

On September 7, 1988, the International Natural Rubber Agreement, 1987, was ratified in the Senate by a vote of 97-0. During floor deliberation, Senator Chiles warned that without additional authorizing and appropriating legislation, the Administration does not have the legal authority to satisfy full U.S. liability under the new treaty. Senator Pell allayed this concern by emphasizing that, according to the Administration's calculations, additional funding is not required by the new agreement.

The International Natural Rubber Agreement, 1987, is scheduled to enter into force provisionally when consuming and producing countries accounting for 75 percent of net imports and net exports have deposited instruments of ratification. Since the United States is the world's largest consumer of natural rubber, U.S. ratification is essential for the agreement to enter into force. The new agreement will remain in force for five years and may be extended for two additional years by vote of the governing body of the International Rubber Organization.

MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER (TREATY DOC. 100-10)

The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on September 16, 1987, to the Vienna Convention for the Protection of the Ozone Layer, was transmitted to the Senate and referred to the Foreign Relations Committee on December 21, 1987.

The primary purpose of the Montreal Protocol is to establish a multilateral regulatory regime to control emissions of ozone-depleting substances in order to protect public health and the environment. The stratospheric ozone layer is a critical global environmental resource which acts as a filter preventing harmful amounts of ultraviolet radiation from reaching the Earth.

Since 1974, scientists have warned that large scale releases of chlorofluorocarbons (CFC's) into the Earth's atmosphere will disturb the stratospheric ozone balance. Depletion of stratospheric ozone by atmospheric pollutants could result in an increase of skin cancer rates and suppression of human immune responses, reduced crop yields, adverse effects on aquatic ecosystems, and significant climatic changes. In 1978, growing domestic concern about this issue resulted in a U.S. ban on the use of CFC's in aerosol products.

On the international level, 20 nations plus the European Economic Community met in 1985, under the auspices of the United Nations Environment Program (UNEP), to negotiate the Vienna Convention for the Protection of the Ozone Layer. The Convention, which was adopted in March 1985 and ratified by the United States in August 1986, provided an international framework for research, monitoring, exchange of information, and procedures for developing control measures. While control measures were discussed during these negotiations, agreement on a multilateral regulatory regime could not be reached at that time. Consequently, negotiations on the Montreal Protocol to provide for internationally coordinated control of ozone-depleting substances were held from December 1986 to September 1987.

The protocol's two principal features included an obligation to limit consumption and production of ozone-depleting substances, and the restriction of trade in controlled substances with states not party to the protocol.

Related to consumption, the protocol established a list of controlled substances, which places a ceiling cap on future annual consumption of controlled compounds equivalent to the amount of these substances consumed in 1986. The consumption limitation will become effective for certain CFC's beginning 7 months after the protocol's entry into force, and for specified halons beginning 3 years after entry into force.

The protocol also provided for long-term scheduled reductions in the annual consumption of CFC's (to 80 percent of 1986 levels by 1994, and 50 percent of 1986 levels by 1999). Any change in the 50 percent reduction step scheduled for 1999 shall require a two-thirds majority vote of parties representing at least two-thirds of the estimated global consumption of the controlled substances. The addition of new compounds to the agreement requires a simple two-thirds majority vote, and other adjustments and reductions to the list of controlled substances require a two-thirds majority vote of parties representing 50 percent of consumption.

The protocol stipulated that production of controlled substances by parties to the protocol may not exceed their total allowed consumption. However, the protocol provides that production in certain countries may remain slightly above the consumption limit in order to ensure sufficient supply for developing countries and to achieve economic efficiencies. For example, a party whose 1986 production of the controlled substances was less than 25 kilotons is permitted to transfer or receive production from another party, so long as the combined production total does not exceed the combined production limit set by the protocol. A party is also permitted to add to its 1986 base the amount produced by facilities under construction before adoption of the protocol, provided that annual consumption of the controlled substances does not exceed .5 kilograms per capita. Parties which are member States of a regional economic organization may fulfill jointly their consumption obligations, so long as their combined consumption level does not exceed the limits set by the protocol.

With respect to trade with nonparties, the protocol established a ban on imports from nonparties of the controlled substances within the first year following the protocol's entry into force; a ban on imported products containing the controlled substances within the fourth year; consideration of restrictions on products produced with the controlled substances within the fifth year; and a prohibition against new agreements which provide nonparties with financial assistance for producing the controlled substances.

The protocol further required each party to submit an annual report of its production, imports, and exports of controlled substances; and required the adoption of procedures for determining noncompliance and for treatment of parties found to be in noncompliance.

While the protocol contained no mandatory financial obligations, financial rules are to be adopted by consensus, and funds required for the operation of the protocol will be charged against contributions from its parties.

On February 17, 1988, the Foreign Relations Committee held a public hearing on the Montreal Protocol, during which the Committee received testimony from Senators Stafford, Chafee, and Baucus, and the Honorable Lee Thomas, Administrator of the Environmental Protection Agency. Immediately following this hearing, the Committee voted by voice vote to favorably report (Exec. Rept. 100-14) the protocol to the Senate.

On March 14, 1987, the Montreal Protocol on Substances that Deplete the Ozone Layer was ratified in the Senate by a vote of 83-0. The protocol received broad support during Senate consideration, including a series of floor speeches from Senators Pell, Baucus, Mitchell, Wirth, Adams, Kerry, Helms, and Chafee. Although generally supportive of the protocol as a historic achievement in international environmental cooperation, Senators Chafee and Baucus expressed skepticism that the Montreal Protocol does not go far enough in providing adequate environmental protection, and urged that further action be taken to reduce the emission of ozone-depleting substances.

The Montreal Protocol was scheduled to enter into force on January 1, 1989, provided that 11 nations representing at least two-thirds of 1986 global consumption of the controlled substances have ratified the agreement, and that the Vienna Convention has entered into force. In the event that these stipulations had not been fulfilled by January 1, 1989, the protocol was scheduled to enter into force 90 days after the required conditions had been met. Should the alternative entry into force provision apply, the effective date of the annual consumption limitation for controlled substances would be delayed, but the specified dates for the reduction steps would remain in effect.

As of the date of Senate ratification, only Mexico had approved the protocol. For this reason, early ratification by the United States was deemed essential for encouraging ratification by other nations whose participation is also necessary in order for the protocol to enter into force.

THE INF TREATY (TREATY DOCUMENT 100-11)

The Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles together with the Memorandum of Understanding and the two Protocols, collectively referred to as the INF Treaty (Treaty Document 100-11), all signed on behalf of the United States by President Reagan at Washington on December 8, 1987, was formally transmitted to the Senate Foreign Relations Committee on January 25, 1988.

Treaty Provisions

The purpose of the INF Treaty was to eliminate all existing intermediate-range and shorter range missiles, defined as ground-launched ballistic or cruise missiles having a range capability between 500 and 5,500 kilometers, as well as launchers and certain support facilities for those missiles, over a period of 3 years, and to prohibit such missiles and equipment thereafter. Under the "asymmetrical" terms of the treaty, the Soviet Union would destroy a disproportionately greater number of missiles as well as remove a greater number of warheads from operational status.

The treaty prohibits the United States and the Soviet Union from producing, flight-testing, or possessing such systems for the unlimited duration of the agreement. The treaty allows the signatories to retain the nuclear warheads and guidance systems for the missiles. Neither party need provide an accounting of these components. This approach was taken because it was expected that both sides would recycle warheads and their components and because of problems which would be associated with verification of warhead inventoies.

With respect to the elimination process, the treaty sets forth specified counting and type rules; designated deployment areas for both intermediate- and shorter range missiles and launchers and specific support, storage, and elimination facilities; established obligations for data exchanges and notifications related to the elimination of missile systems and facilities; and set requirements for on-site inspection. The initial data exchange, as of November 1, 1987, was provided in the memorandum of understanding (MOU) and associated documents which were transmitted with the INF Treaty. The treaty requires subsequent data updates 30 days after the treaty's entry into force and at 6-month intervals thereafter through the Nuclear Risk Reduction Centers.

On-site inspection rights established by the treaty included: initial base-line inspections to identify and count equipment and facilities to be eliminated; close-out inspections to verify that bases or missile support facilities have been eliminated; elimination inspections to observe the destruction of missiles and launchers at elimination sites; short-notice inspections at active bases and facilities, as well as those that will have been eliminated; and portal monitoring at United States and Soviet plants where existing types of intermediate- and shorter range missiles were produced.

With respect to treaty verification and compliance, the treaty provides that each party would use available national technical means (NTM)—satellite and other intelligence collection means—to help ensure compliance; and prohibits parties from interfering with the other party's NTM or using any concealment measures that impede verification of compliance by NTM. The treaty also provides for the establishment of a Special Verification Commission (SVC) that would meet at the request of either party to resolve compliance questions.

Committee Action

The Committee on Foreign Relations held public hearings on the INF Treaty in January, February, and March 1988. During the hearing process, the committee received testimony from more than 50 witnesses, including present and former administration officials, U.S. arms control negotiators, government officials from NATO countries, and experts on the Soviet Union, on verification and arms control issues.

The committee met to markup the INF Treaty on March 22, 23, 24, 28, 29, and 30, 1988. During the Committee markup, action was taken on the following amendments and conditions:

—a Helms amendment to exempt conventionally armed cruise missiles from treaty coverage, rejected 3–15.

—a Helms amendment to include the Soviet's SCUD B missile system in treaty coverage, rejected 2–14.

—a Helms amendment to prohibit flight tests of any missiles at ranges of 500–5,500 kilometers, rejected 2–14.

—a Pressler amendment providing that the proposed treaty should not be put into effect unless the President certified to the Senate that there was parity between the conventional forces of the U.S.S.R. and Warsaw Pact and those of the United States and NATO, rejected 2–15.

—a condition offered by Senator Helms which would have conditioned ratification on a Presidential certification that the number of SS–20 missiles possessed by the Soviet Union on November 1, 1987, was the same as the number reported by the Soviet Union in its initial data exchange, rejected 2–15.

—a condition offered by Senator Pressler which would have conditioned ratification on a Presidential certification that the Soviet Union was in complete compliance with the Helsinki Final Act, rejected 2–16.

—a condition offered by Senator Pressler which would have conditioned ratification on Presidential certification that any conventional force imbalance resulting from the proposed treaty would not jeopardize the security of NATO, rejected 2–15.

—a condition offered by Senator Cranston on behalf of Senator Biden (the Biden Condition) which would condition ratification on the requirement that the INF Treaty be interpreted in accordance with certain constitutional principles, adopted 12–7.

The Biden Condition

The origin of the Biden Condition can be traced to an Executive doctrine which was first delineated in 1987 by State Department Legal Advisor, Abraham Sofaer, in seeking to justify the administration's "broad" interpretation of the 1972 ABM Treaty Between the United States and the Soviet Union. The constitutional assertion of the Sofaer Doctrine was that the President had wide latitude for treaty "reinterpretation," not withstanding what the Senate may have been told in the course of granting consent to ratification. The committee argued that if the Sofaer Doctrine was accepted, its far-reaching constitutional consequences would be twofold: it would nullify the Senate's treaty power, and paralyze the treatymaking process with the need for elaborate and numerous conditions pertaining to specific interpretations of past and future treaties.

From this perspective, the committee's purpose in adopting the Biden Condition was to reaffirm the longstanding practice and constitutional principle that, as partners in the treatymaking process, the "shared understanding" of the Executive and the Senate, as reflected in the Executive's "authoritative" statements and formal representations, was fully binding on the Executive. It was this original shared understanding between the Executive and the Senate that must govern the subsequent implementation of the treaty. In the absence of this understanding, the committee emphasized that its only practical alternative to the Biden Condition was to laden the INF Treaty and its resolution of ratification with a network of formal amendments, stipulations, and conditions which could substantially delay the treaty's ratification.

A key consideration in drafting the Biden Condition was to direct this condition to the INF treaty, rather than to embroil the Senate once again in a battle over the administration's "broad" interpretation of the ABM Treaty. The committee therefore sought to strike a balance between the general and the specific. In this sense, the Condition adopted by the committee stipulated that: the United States shall interpret the INF Treaty in accordance with the understanding of the treaty shared by the Executive and the Senate at the time of Senate ratification; that such common understanding was based on the text of the treaty and the authoritative representations provided by the Executive branch to the Senate; and the United States shall not adopt an interpretation different from that common understanding pursuant to Senate consent.

In a March 17, 1988, letter from White House Counsel Fred Culvahouse, the administration made three charges against the Biden Condition. First, the administration contended that the condition changed the rules of treaty interpretation by ignoring the text of the treaty as the primary source of meaning, and by according "equal dignity" to all sources of executive branch interpretation. Second, the administration alleged that the condition "interferes with the President's constitutional responsibility to interpret and implement treaties and also constitutes an unprecedented arrogation of treaty power by the Senate." Finally, the administration argued that the Condition would unduly restrict the United States to one interpretation of a treaty, while the Soviet Union is less restricted in how it chooses to interpret the same treaty.

Committee Report

In its report (Exec. Rept. 100–15), the committee stated that the primary significance of the treaty is political rather than military, and that the political significance for the United States and its allies was threefold: First, the treaty represented the triumph of solidarity for the NATO Alliance, which determined in 1979 to deploy new U.S. Pershing and cruise missiles as a bargaining counter to steadily increasing Soviet power. Second, the treaty should strengthen Western European confidence in the U.S. commitment to the defense of Europe, and improve the security of U.S. allies and friends in Asia. Third, acceptance by the Soviet Union of onsite inspection and asymmetrical reduction represented a potentially significant change in the dynamics of East-West confrontation—a change that may portend greater Soviet willingness to accommodate NATO concerns in other arms control negotiations (i.e., negotiations on reducing strategic nuclear arms, talks on improving the conventional balance in Europe, and talks on chemical weapons).

The committee concurred with the administration's view that the INF Treaty does not restrict in any way the right of NATO to pursue plans for modernization of nuclear forces not specifically banned by the treaty, nor does it create any new requirement for nuclear modernization. The committee noted that the effect of Senate failure to ratify the INF agreement would be a disaster for the NATO alliance and shatter the growing public support for NATO. The committee found that treaty would contribute to NATO security by strengthening the collective political will to protect the Alliance's security interests, and by reducing the number of nuclear weapons in Europe while maintaining NATO's ability to execute a viable strategy of flexible response.

With respect to future NATO nuclear and conventional modernization, the committee concurred that Alliance should continue to maintain a viable deterrent, and should take steps to reduce Soviet advantages in conventional forces through modernization and arms control efforts already underway before the INF Treaty was signed. However, the committee emphasized that "NATO should not rush ahead with new nuclear systems to compensate for an imagined void created by the INF Treaty". Similarly, the committee argued that the treaty alone did not generate additional requirements for conventional force modernization. Therefore, the committee determined to resist efforts to condition Senate consent to the treaty on such modernization.

Some committee members were deeply concerned by the absence of limits on strategic forces and by the potential for Soviet circumvention of the INF Treaty through a targetting of strategic forces on former INF targets. The committee believed that this issue underscored the value of a Strategic Arms Reduction Talks (START) agreement to allow the realization of the full potential of the INF Treaty could be realized.

Senate Floor Debate

On May 17, 1988, the Senate began consideration of Treaty Document 100-11. An early attempt to block Senate consideration of the treaty was launched on May 18, 1988, when Senator Helms raised a point of order against the treaty. The matter was subsequently tabled by a vote of 92-6.

The Senate considered a number of conditions and amendments to the INF Treaty and to the resolution of ratification during nine days of floor debate. However, the most significant and controversial Senate debate focused on a "compromise" amendment on treaty interpretation offered by Senator Byrd to the initial Biden Condition reported by the Senate Foreign Relations Committee. The Byrd amendment, which sought to establish that neither the present administration nor any future President can reinterpret the INF Treaty without Senate consent, was subsequently agreed to in the Senate by a vote of 72-27.

Similar to the committee condition, the Byrd amendment conditioned treaty ratification, based on the Treaty Clauses of the Constitution, to an interpretation of the treaty according to the "common understanding" of the treaty shared by the President and the Senate at the time the Senate gave its advice and consent to ratification. Second, the amendment specified that such common understanding was based on the treaty text and resolution of ratification, as well as the authoritative representation provided by the President and his representatives to the Senate, insofar as such representation were directed to the meaning and legal effect of the treaty text. Third, the amendment stated that the United States shall not adopt an interpretation different from that common understanding except pursuant to Senate advice and consent. Fourth, the amendment clarified that if a question arises as to the interpretation of a treaty provision on which no common understanding was reached, that provision shall be interpreted in accordance with applicable United States law.

Other amendments accepted by the Senate to the resolution of ratification included:

—an amendment offered by Senator Murkowski declaring that, in any subsequent agreement between the United States and the Soviet Union on reducing strategic weapons, it should be the position of the United States that no restriction should be established on current and future nonnuclear air- or sea-launched cruise missiles, or ground-launched cruise missiles of ranges not prohibited by the INF Treaty, which were developed or deployed by the United States—agreed to by voice vote;

—an amendment offered by Senator DeConcini which urged the President to press the Soviet Union on compliance with that country's commitments to respect human rights and fundamental freedoms—agreed to by voice vote;

—an amendment offered by Senators Nunn and Warner to provide that ratification of the INF Treaty was subject to the condition that the President shall obtain the agreement of the Soviet Union which would, in effect, codify a series of agreements between the two countries in order to clarify the definition of a "weapons delivery vehicle," and to ensure that versions of the missiles to be eliminated under the treaty armed with warheads based on futuristic principles were also covered by the treaty ban—accepted 96-0;

—an amendment offered by Senator Dole to provide that prior to the exchange of instruments of ratification, the President shall certify that it is the common understanding of the treaty parties that if either party produces a ground-launched ballistic missile (GLBM) not covered by the treaty which uses a stage outwardly similar to, but not interchangeable with, a stage of an existing GLBM cover by the treaty, the party may not produce any other stage which is outwardly similar to the existing type of intermediate-range GLBM—agreed to by voice vote;

—an amendment offered by Senator Helms regarding the Strategic Arms Reduction Talks, which required the President to consult with the Senate and NATO allies in advance of signing any agreement, and stipulated that any joint statement or negotiating framework adopted by the United States and Soviet Union not constrain American military programs—accepted 94-4.

In addition to the conditions and amendments to the resolution of ratification cited above, the Senate considered, but did not accept, the following amendments.

—On May 18, 1988, the Senate rejected an amendment offered by Senator Symms to provide that the treaty would not enter into force unless and until the President had certified that the Soviet Union had ceased the violations, previously certified by the President, of existing arms control treaties or agreements.

—Also on May 18, 1988, the Senate voted 73-8 to table an amendment offered by Senator Humphrey to provide that the treaty shall not enter into force unless and until the President of the United States shall have certified to the Senate that, in his judgment, the stockpile of ammunition and fuel stored in Europe for NATO defense has been increased from its present level of less than 7 days of ammunition and fuel to at least 15 days.

—On May 23, 1988, the Senate voted 81-13 to table an amendment offered by Senator Helms to provide that instruments of ratification shall not be exchanged until the President has certified to the Senate that, in his judgment, the number of SS-20 missiles possessed by the Soviet Union as of November 1, 1987, as reported by that country in the initial data exchange, is an accurate accounting of the number of SS-20 missiles actually possessed by the Soviet Union on that date.

—On May 23, 1988, the Senate voted 68–26 to table an amendment offered by Senator Wallop to clarify that neither party may produce a missile stage which was outwardly similar to, or interchangeable with any other type of existing intermediate-range GLBM.

—On May 23, 1988, by a vote of 81–5, the Senate similarly tabled an amendment offered by Senator Humphrey to prohibit the treaty's entry into force unless and until the United States and the Soviet Union had also ratified a treaty reducing their strategic nuclear arms.

—On May 24, 1988, Senator Helms withdrew an amendment to prevent the reloading of nuclear warheads on other types of delivery vehicles with ranges less than, equal to, or greater than the ranges of the systems covered by the proposed treaty.

—On May 25, 1988, the Senate rejected by a vote of 9–89 an amendment offered by Senator Helms to provide that provision by the parties of materially misleading and false data in the data exchange stipulated by the memorandum of understanding to the treaty, shall immediately give the other party the right to terminate or withdraw from the treaty.

—Also on May 25, 1988, the Senate rejected by a vote of 28–69 an amendment offered by Senator Hollings to restrict the definition of ground-launched cruise missiles to only nuclear ground-launched cruise missiles.

—On May 26, 1988, the Senate voted 53–45 to table an amendment offered by Senator Wilson to provide the only interpretations of the treaty which bind the United States would be those which were equally binding on the Soviet Union.

—On May 27, 1988, the Senate voted 66–30 to table an amendment by Senator Wallop to provide for a United States response to possible violation of the INF Treaty.

—On May 27, 1988, the Senate voted 86–10 to table an amendment by Senator Pressler to condition the treaty's entry into force on presidential certification that the Soviet Union was in full compliance with the Final Act of the Conference on Security and Cooperation in Europe.

—On May 27, 1988, the Senate voted 67–30 to table an amendment by Senator Spector to insert the definition of "common understanding" taken from the Sofaer Doctrine, to mean a shared interpretation that was authoritatively communicated to the Senate by the Executive, and was "clearly intended, generally understood and relied upon by the Senate in its advice and consent to ratification".

—On May 27, 1988, the Senate voted 64–33 to table an amendment by Senator Spector stating that it was not the intention of the Senate to change the accepted U.S. constitutional law on treaty ratification as interpreted by the Supreme Court.

—Finally, on May 27, 1988, the Senate rejected by voice vote, an amendment offered by Senator Helms to provide for the phased withdrawal of U.S. military personnel and their dependents from the continent of Europe during the first 29 months and ending not later than the third year after the treaty's entry into force.

On May 27, 1988, the INF Treaty resolution of ratification, as amended, was agreed to in the Senate by a vote of 93-5, with Senators Helms, Humphrey, Symms, Wallop, and Hollings casting the dissenting votes.

Entry Into Force

The treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, and its accompanying Protocols and Memorandum of Understanding, entered into force upon the exchange of the instruments of ratification by President Reagan and General Secretary Gorbachev at the Moscow summit on June 1, 1988. The treaty is of unlimited duration, but either Party may withdraw after 6 months' notice if it determines that events related to the subject matter of the treaty have jeopardized its supreme interests.

2. OTHER TREATIES CONSIDERED BY THE COMMITTEE

Seven other treaties were reported by the Foreign Relations Committee, but were not approved by the Senate, and three additional treaties were considered by the committee, but were not reported. These ten treaties are as follows:

(1) The committee held public and executive hearings on January 13 and 15, 1987 on the Treaties with the Soviet Union on the Limitation of Underground Nuclear Weapon Tests and the Protocol thereto (Ex. N, 94-2). On February 3, 1987, the committee discussed the treaty further, and ordered Ex. N, 94-2 reported on February 19. The treaty was reported, with reservations and declarations, on February 27, 1987 (Ex. Rept. 100-1). The Senate, however, took no further action.

(2) On December 5, 1988, the committee held a public hearing on the Convention on the Elimination of all Forms of Discrimination against Women (Ex. R, 96-2), that had been adopted by the U.N. General Assembly on December 18, 1979.

(3) The treaty between the United States and Panama Concerning the Treatment and Protection of Investments (Treaty Doc. 99-14) was the subject of a public hearing on August 9, 1988.

(4) The committee held a public hearing on August 9, 1988 on the treaty between the United States and Haiti Concerning the Reciprocal Encouragement and Protection of Investment (Treaty Doc. 99-16).

(5-10) On April 20, 1988, the committee conducted a public hearing on a series of treaties between the United States and Great Britain, Mexico, Canada, Belgium, the Bahamas, and Thailand for mutual legal assistance in criminal matters (Treaty Docs. 100-8, 100-13, 100-14, 100-16, 100-17, and 100-18, respectively). The committee met again on April 26 and May 13, 1988 to consider the treaties, and held an additional hearing on the matter on June 14, 1988. The treaties were the subject of further committee consideration on September 14 and 22, 1988, and on September 27, the committee ordered them reported. The treaties were reported on September 30, 1988 (Ex. Repts. 100-26 (Great Britain and Mexico), 100-28 (Canada), 100-29 (Belgium), 100-30 (the Bahamas) and 100-31 (Thailand), but the Senate took no further action.

3. OTHER TREATIES PENDING IN COMMITTEE AT THE CLOSE OF THE 100TH CONGRESS

In addition to the treaties listed above, the following treaties (39 were still pending before the committee at the close of the 100th Congress:

Freedom of Association Protection of the Right to Organize, submitted on August 27, 1949 (Ex. S, 81-1).

Optional Protocol of Signature concerning the Compulsory Settlement of Disputes (Law of the Sea), submitted on September 9, 1959 (Ex. N, 86-1).

Convention concerning the Partial Revision of the Conventions adopted by the General Conference of the International Law Organization at its first 32 sessions, submitted on June 1, 1962 (Ex. C, 87-2).

Convention concerning the Abolition of Forced Labor, submitted on July 22, 1963 (Ex. K, 88-1).

Convention concerning Employment Policy, adopted by the International Labor Conference at its 48th session, submitted on June 2, 1966 (Ex. G, 89-2).

International Convention on Civil Liability for Oil Pollution Damage, submitted on May 20, 1970 (Ex. G, 91-2).

Vienna Convention on the Law of Treaties, submitted on November 22, 1971 (Ex. L, 92-1).

Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, submitted on May 5, 1972 (Ex. K, 92-2).

Trademark Registration Treaty, submitted on September 3, 1975 (Ex. H, 94-1).

Protocols done at Montreal amending the Convention for the Unification of Certain Rules relating to International Carriage by Air, submitted on January 14, 1977 (Ex. B, 95-1).

International Convention for the Prevention of Pollution from Ships, submitted on March 22, 1977 (Ex. E, 95-1).

International Convention for the Elimination of All Forms of Racial Discrimination, submitted on February 23, 1978 (Ex. C, 95-2).

International Covenant on Economic, Social and Cultural Rights, submitted on February 23, 1978 (Ex. D, 95-2).

International Covenant on Civil and Political Rights, submitted on February 23, 1978 (Ex. E, 95-2).

American Convention on Human rights, submitted on February 23, 1978 (Ex. F, 95-2).

Treaty on Maritime Boundaries with Mexico, submitted on January 23, 1979 (Ex. F, 96-1).

Maritime Boundary Agreement with Cuba, submitted on January 23, 1979 (Ex. H, 96-1).

Treaty Between the United States and the Soviet Union on the Limitation of Strategic Offensive Arms and the Protocol, submitted on June 25, 1979 (Ex. Y, 96-1).

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, submitted on September 5, 1979 (Ex. EE, 96-1).

Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, submitted on September 4, 1980 (Ex. Q, 96-2).

Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States Belonging to the Europe Region, submitted on November 13, 1980 (Ex. V, 96-2).

Protocol Amending the Convention for the Protection of Migratory Birds in Canada and the United States, submitted on November 24, 1980 (Ex. W, 96-2).

1979 Amendment to Regulation 49(4)(b) of Annex II of the International Convention on Load Lines, submitted on July 27, 1981 (Treaty Doc. 97-14).

Supplementary Convention on the Extradition between the United States and Sweden, submitted on July 28, 1982 (Treaty Doc. 97-15).

Amendment to the 1973 Convention on International Trade in Endangered Species of the Wild Fauna and Flora (CITES), submitted on October 4, 1983 (Treaty Doc. 98-10).

Protocol Amending the Convention between the United States and Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, submitted on November 17, 1983 (Treaty Doc. 98-12).

Consular Convention with South Africa, submitted on July 27, 1981 (Treaty Doc. 98-14).

1983 Partial Revision of the Radio Regulations (Geneva, 1979) and a Final Protocol, submitted on January 7, 1985 (Treaty Doc. 99-1).

Protocol Amending the Interim Convention on Conservation of the North Pacific Fur Seals between the United States, Canada, Japan, and the Soviet Union, submitted on March 20, 1985 (Treaty Doc. 99-5).

Tax Treaty with Sri Lanka, submitted on October 2, 1985 (Treaty Doc. 99-10).

The Protocol of 1984 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (Civil Liability Convention; and the Protocol of 1984 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (Fund Convention), submitted on November 6, 1985 (Treaty Doc. 99-12).

Tax Treaty with Tunisia, submitted on March 13, 1986 (Treaty Doc. 99-13).

Convention Providing a Uniform Law on the Form of an International Will, submitted on July 15, 1986 (Treaty Doc. 99-29).

Protocol II Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, submitted on January 29, 1987 (Treaty Doc. 100-2).

Supplementary Treaty to the Treaty between the United States and West Germany concerning extradition, submitted on June 25, 1987 (Treaty Doc. 100-6).

Regional Agreement for the Medium Frequency Broadcasting Service in Region 2, with annexes, and a Protocol, submitted on June 26, 1987 (Treaty Doc. 100-7).

Amendments to Annex II Regulation of the 1966 International Convention on Load Lines, submitted on January 26, 1988 (Treaty Doc. 100-12).

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, submitted on May 23, 1988 (Treaty Doc. 100-19).

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, submitted on May 23, 1988 (Treaty Doc. 100-23).

Convention between the United States and Indonesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, submitted on August 5, 1988 (Treaty Doc. 100-22).

B. LEGISLATION ENACTED

Bills and joint resolutions:	
Referred to committee	145
Original measures from committee	6
Total	151
Reported	[1] 47
Became public law	[2] 17

[1] Thirteen of these were passed by the Senate and 6 were included in other public laws.

[2] In addition, 6 measures became public law without referral to committee.

1. Foreign Assistance and Related Matters

HUMANITARIAN ASSISTANCE TO ANTI-GOVERNMENT FORCES IN NICARAGUA

After three previous legislative proposals for assistance to the Nicaraguan Resistance were defeated in the House, Representative Foley introduced, as a compromise measure, House Joint Resolution 523 on March 30, 1988. On February 3, 1988, the House had narrowly defeated an Administration request for a $36.2 million aid program that included military assistance; and on March 3, 1988, it had defeated two alternative proposals—one supported by House Speaker Wright and one offered by Representative Edwards. The Wright proposal would have provided $30.8 million in strictly humanitarian aid while the Edwards measure included $36.2 million in non-lethal assistance. The congressional stalemate was broken when House Speaker Wright sent a written pledge to the Administration that future Administration requests for military aid would be considered in the event that the 60-day ceasefire negotiated in the agreement between the Government of Nicaragua and the Nicaraguan Resistance signed on March 23, 1988, at Sapoa, Nicaragua (the Sapoa Agreement) was not implemented.

H.J. Res. 523 stated that it was the policy of the United States to advance peace and democracy in Central America, and to preserve the national security interests of the United States in the region. Pursuant to that policy, H.J. Res. 523 authorized the transfer of $47.9 million in unobligated funds to the Agency for International Development from specified Department of Defense appropriations accounts. These funds would be administered consistent with the Sapoa Agreement signed on March 23, 1988, and were intended to reinforce the Central American peace process by supporting negotiations leading to a permanent ceasefire agreement.

Of the total amount authorized, $17.7 million in "humanitarian assistance" was designated for the Nicaraguan democratic resistance, which would remain available until September 30, 1988, with the amount of funds transferred each month limited to $2.9 million for April and May 1988, and $2.7 million for any month thereafter. The resolution specified that such "humanitarian" assistance included the purchase of food, clothing, shelter, medical services, and supplies, and up to $1.5 million for communications equipment. Of the $17.7 million, $2.19 million was expressly earmarked for the Yatama Indian resistance force. Use of the specified funds to purchase aircraft, weapons, or ammunition was explicitly prohibited.

In order to meet the necessary expenses to carry out the purpose of the joint resolution, an additional $2.5 million was provided for the Agency for International Development to direct, manage, and provide for the delivery of assistance to the Nicaraguan democratic resistance through neutral organizations. The resolution also stipulated that the Comptroller General conduct an independent audit of all funds expended in the provision of assistance.

The resolution also provided an additional $17.7 million in medical care and other relief for children who had been physically injured or displaced by the Nicaraguan civil strife. Funds used for this purpose would be available until expended, and priority would be given to those children with the greatest need for assistance. The children's survival assistance funds would be provided only through nonpolitical private and voluntary organizations and international relief organizations, with at least one-half of the assistance provided through organizations operating inside Nicaragua. No assistance would be provided to or through the Government of Nicaragua.

Finally, the resolution provided another $10 million for periodic payments to support the activities of the Verification Commission established by the Sapoa Agreement.

Having passed the House on March 30, 1988, by a vote of 345–70, H.J. Res. 523 was received in the Senate on the same day. After a two and one-half hour debate on the Senate floor, which was managed by Senators Dodd and Symms, the resolution passed the Senate on March 31, 1988, by a vote of 87–7, without amendment. Senators Adams, Cranston, Hatfield, Matsunaga, Melcher, Proxmire, and Stafford voted against the resolution. H.J. Res. 523 was signed by the President on April 1, 1988, and became Public Law 100–276.

RESTRICTING UNITED STATES ASSISTANCE TO PANAMA

The primary purpose of S. 1614 was to restrict United States assistance to Panama pending certain major changes in the current policies of the Government of Panama. The bill terminated all bilateral and military assistance to Panama unless the President certified to Congress that the Government of Panama had demonstrated substantial progress to assure civilian control of the armed forces; that an impartial investigation into illegal actions by members of Panama's Defense Forces has been undertaken; that conditions for free and fair elections has been established; and that freedom of the press and other constitutional guarantees have been restored. Types of aid exempted from this prohibition included assistance provided through private and voluntary organizations, the donation of food or medicine, disaster relief, refugee assistance, aid channeled through the Inter-American Foundation, and educational assistance for Panamanians in the United States.

S. 1614 provided that if the President certifies that the above conditions are met, United States assistance should be restored and that the United States should increase aid levels to Panama in the future.

The bill also suspended Panama's United States sugar quota unless constitutional guarantees are provided to the Panamanian people. It further authorized the U.S. Trade Representative to reallocate Panama's quota to other eligible countries after December 31, 1987, if the President does not certify that constitutional guarantees have been restored.

S. 1614 was introduced on August 6, 1987, by Senator D'Amato for himself and 14 cosponsors, and was referred to the Committee on Foreign Relations. Public hearings on the legislation were held on October 22, 1987, by the Subcommittee on Western Hemisphere and Peace Corps, during which testimony was received from Senators Kennedy and D'Amato as well as a former U.S. Ambassador to Panama, the former Head of U.S. Military Assistance Advisory Group to Panama, and a representative of a human rights organization. On December 15, 1987, S. 1614 was reported by the committee with an amendment in the nature of a substitute, and with a written report (S. Rept. 100-257).

In taking action on S. 1614, the committee expressed grave concern about the current political situation in Panama—in particular, the denial of constitutionally guaranteed rights and the excessive violence by the Panamanian Defense Forces against the Panamanian people. The committee applauded the administration's decision to suspend economic and military assistance to the Government of Panama, and the postponement by the Department of Defense of United States/Panamanian joint military exercises, as a strong signal of United States concern about Panama's political situation. As a matter of policy, the committee stated that unless the conditions specified in this legislation have been met, "continued economic and military assistance to the Government of Panama is not in the foreign policy or national security interests of the United States." The committee also made it clear that this legislation would in no way effect the 1977 Panama Canal Treaties, which remain in force as the "law of the land."

On March 4, 1988, S. 1614 was indefinitely postponed in the Senate by voice vote. However, the bill was subsequently incorporated into the continuing resolution for fiscal year 1988, H.J. Res.

395, which was signed by the President on December 22, 1987, and became Public Law 100-202.

OVERSEAS PRIVATE INVESTMENT CORPORATION AUTHORIZATION

On January 26, 1988, Senator Pell introduced at the request of the administration, S. 2006, a bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation. On July 6, 1988, the Foreign Relations Committee held a public hearing on S. 2006, during which testimony was received from the President of OPIC, and representatives of the General Accounting Office, the AFL-CIO, and Clarion Enterprises, Inc. On July 27, 1988, the committee reported an original bill, S. 2757, by voice vote (S. Rept. 100-500). As reported by the committee, S. 2757 included a number of provisions contained in S. 2006.

The principal purpose of S. 2757, the Miscellaneous International Affairs Authorization Act of 1988, was to renew and extend the authority of the Overseas Private Investment Corporation (OPIC) to issue investment insurance and guarantees, and to make certain changes in existing OPIC programs and policies. In addition, the bill made supplemental authorizations for the Board for International Broadcasting; extended the current terms of the au pair cultural exchange program sponsored by the United States Information Agency (USIA); repealed provisions of the McCarran-Walter Immigration Act which permit U.S. immigration authorities to exclude or deport aliens due to their political beliefs, statements, or associations and amended existing law to prevent the abuse of diplomatic immunity.

The following is a summary of the bill's major provisions.

Title I extended OPIC's operating authority from September 30, 1988, to September 30, 1992, and raised the aggregate ceiling of OPIC's investment guarantee authority from $750 million to $1.5 billion.

Title I also addressed the issue of defining the group of poorest countries to which OPIC is directed to give preferential consideration and those higher income countries to which OPIC must restrict its activities. The legislation restated existing income levels but stated them in terms of 1986 dollars rather than 1983 dollars. Under this provision, certain countries which participate in the Caribbean Basin Initiative would be exempt from the per capita income limitation.

Title I also permitted, up to 25 percent, the portion of any OPIC loan which can be used in the United States for the adaptation of U.S. technology, products, or services which may contribute to the economic and social development of less developed countries.

Further, a 4-year equity investment program was established under title I to help facilitate development projects in sub-Saharan Africa and the Caribbean, provided that: OPIC's equity ivestment does not exceed 30 percent of total equity in any project, OPIC makes every endeavor to dispose of such investment within 10 years of the date of acquisition, and OPIC's shares in the equity investment are preferably in the form of nonvoting shares.

The title also provided for replacement of the facultative reinsurance program with a program to promote the development of the private political risk insurance industry in the United States. Under this program, OPIC would be encouraged to develop a consortia of American political risk insurers and to share insurance risks with the private sector through coinsurance, contingent insurance, or other means.

Finally, the title eliminated Romania from the list of countries in which OPIC may operate.

Title II of the committee bill removed the earmarks stipulated in Public Law 100-204 on the Board for International Broadcasting's (BIB) operating budget which set aside $12 million in both fiscal years 1988 and 1989 for the completion of the modernization program of Radio Free Europe/Radio Liberty. The removal of the earmarks was requested by the administration in order to offset an anticipated $28 million shortfall in BIB's operating budget resulting from adverse currency fluctuations. The bill authorized an additional $24 million to complete the modernization program, and such sums as may be necessary for the construction of a new relay station in Israel.

Title III prohibited the termination or any substantial alteration of the current USIA cultural exchange program which sponsors visits from young men and women to work in the United States as au pairs, or live-in help.

Title IV repealed provisions of the McCarran-Walter Immigration Act which permit U.S. immigration authorities to exclude or deport aliens due to their political beliefs, statements, or associations.

Title V amended the Foreign Mission Act and Diplomatic Relations Act to assure that U.S. law enforcement officials fully investigate, charge and prosecute foreign diplomats who commit serious crimes in the United States. The bill would not negate the privilege of diplomatic immunity, but would require the Secretary of State to request the foreign minister of the sending state to waive the immunity of diplomats charged with serious crimes in the United States in order to permit prosecution of the individual. If immunity is not waived, the Secretary of State would be required to assure that the diplomat charged with the alleged crime leaves the United States and is permanently barred from reentry.

In considering the expansion of OPIC's operating authority, the committee focused its attention on two primary concerns: the adequacy of OPIC's monitoring of its direct loan program, and the effect of OPIC programs on American jobs and the U.S. trade balance. With respect to OPIC's monitoring of loan programs, the committee noted that 40 percent of OPIC's 75 active loans, representing a total value of $48 million, were delinquent. The committee viewed the outstanding principal and interest payments of these loans as a matter which OPIC should monitor carefully.

The committee also expressed concern that in recent years, diplomatic immunity has been used by foreign diplomats as a shield from prosecution for perpetration of violent crimes—a situation which the committee believed had justifiably outraged the American public. On August 5, 1987, the committee held a separate hearing on the subject of diplomatic immunity. While title V of the committee bill sought to address this concern, the committee emphasized that it did not wish to overturn the traditions of diplomatic immunity and personal inviolability, but rather to assure that diplomats who abuse their privileges are either prosecuted or forced to leave the country.

S. 2757 was placed on the Senate Legislative Calendar on September 7, 1988, but was never considered by the full Senate. A companion measure, H.R. 4471, making routine authorizations for the Overseas Private Investment Corporation and the Board for International Broadcasting, passed the House on May 12, 1988, by a vote of 267-112. During floor consideration of H.R. 4471, the House agreed to attach the text of H.R. 3100, a bill authorizing foreign aid programs for fiscal years 1988 and 1989. The combined OPIC-foreign aid authorization measure, H.R. 4471, was sent to the Senate but was not considered.

The Senate subsequently incorporated parts of S. 2757 into H.R. 4637, the Foreign Operations Appropriations bill for fiscal year 1989, which passed the House on May 25, 1988, by a vote of 328-90, and was amended and agreed to in the Senate on July 7, 1988, by a vote of 76-15. Conferees, meeting to resolve differences in H.R. 4637, agreed to incorporate the House text regarding OPIC authorizations and enacted by reference Title I of H.R. 4471, as passed by the House on May 12. During Senate consideration of the Conference Committee version of H.R. 4637 (H. Rept. 100-983) on September 30, 1988, however, Senator Pell introduced an amendment which stated that, notwithstanding any other provision of H.R. 4637, Titles I, III, and V of S. 2757, as reported by the Senate Foreign Relations Committee, would be enacted into law by reference. The Pell amendment further provided that no alien may be excluded from entry into the United States or subject to deportation solely because of expressed beliefs, statements, or associations. At the request of Senator Pell, title V, the diplomatic immunity provision was separated from the original amendment. The underlying Pell amendment was adopted in the Senate by voice vote, and was subsequently retained by the House.

Senator Helms then introduced an amendment to H.R. 4637 which stated that title V of S. 2757 would be enacted into law by reference. The Senate agreed to the Helms amendment by voice vote, but later receded after the House disagreed and the administration threatened to veto the entire appropriation bill if the diplomatic immunity provision were retained.

The Senate rejected a third OPIC amendment, offered by Senator Metzenbaum, that would have prohibited OPIC from ensuring, reinsuring, or guaranteeing projects which directly compete with U.S. businesses. Senators Kasten, Sanford, Graham, Kassebaum, and Adams argued during Senate floor debate that the amendment would severely hinder OPIC from promoting investment in developing countries. Consequently, the Senate voted 72-23 to table the Metzenbaum amendment.

H.R. 4637, with titles I and III of S. 2757 enacted by reference, was signed by the President on October 1, 1988, and became Public Law 100-461.

BANGLADESH DISASTER ASSISTANCE ACT OF 1988

In 1988, two thirds of Bangladesh was inundated with flood waters resulting in over 2000 deaths, 30 million homeless people, and the disruption of transportation, communications, and normal commerce in Bangladesh. Concerned that the Government of Bangladesh must rely on a generous response from the international community for emergency assistance and expertise needed to prevent the recurrence of such disastrous floods, Congress passed H.R. 5389 to facilitate the provision of disaster assistance for Bangladesh.

H.R. 5389 commended the courage and resourcefulness demonstrated by the people of Bangladesh in response to this disaster, and commended the prompt and generous response of the Agency for International Development and United States private organizations in assisting the people of Bangladesh. The measure also expressed the support and willingness of Congress to work with the President of the United States, the international community, the Government of Bangladesh, and private voluntary organizations to provide emergency humanitarian assistance and to ensure that such assistance quickly reaches those most in need.

In general, H.R. 5389 did not authorize new funds, but amended existing legislation by providing that in the event of a serious natural disaster in a country participating in the Food for Development Program, funds accruing from the sale of United States commodities made available under Public Law 480 may be used for disaster relief, rehabilitation, and reconstruction in rural and urban areas. The bill further expressed the sense of Congress that not less than $100 million of the local currencies generated under existing Food for Development agreements with the Government of Bangladesh should be used for disaster assistance purposes, and should be provided in addition to regularly programmed assistance for that country for fiscal year 1989.

Finally, H.R. 5389 required the President to submit to Congress not later than 6 months after the date of enactment, a report on the efforts by the international community and the governments of the region to develop a regional approach to ensure a predictable water supply, and to promote better flood control mechanisms for the Ganges and Brahmaputra basins. In this regard, it is the sense of Congress that the Office of Technology Assessment should provide the Department of State and Congress with a synopsis of all current studies and reports on flood control in this region, the available state-of-the-art technology for use in flood control projects, and a cost-benefit analysis for improving regional water availability and to mitigate severe flooding.

H.R. 5389 passed the House on October 6, 1988 by a vote of 417–0, and was received in the Senate on the same day. The measure was agreed to in the Senate on October 14, 1988 by voice vote, without amendment or referral to committee.

During Senate floor debate on October 14, Senators Kennedy and Helms urged Senate support for the bill. Senator Helms noted that H.R. 5389 was identical to S. 2860 introduced by himself and cosponsors Pell, Boschwitz, and Kennedy. H.R. 5389 was signed by the President on October 31, 1988, and became Public Law 100–576.

2. FOREIGN RELATIONS AUTHORIZATION ACT AND RELATED MATTERS

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

With Senate action on foreign aid legislation at an impasse, Congress turned to the normally routine Foreign Relations Authorization Act as a vehicle for debating a broad range of U.S. foreign policy issues. The legislation included several amendments which stated policy positions on U.S.-Soviet relations, the United Nations, and other regional policy issues. The bill also contained several provisions which raised major objections from the executive branch over authorized funding levels, the abrogation of certain U.S. agreements on embassies with the Soviet Union, the closure of the Palestine Liberation Organization office in New York, and internal State Department management and security procedures.

The executive branch submitted to Congress a series of authorization requests for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency (USIA), the Board for International Broadcasting, and for other related purposes.

The Senate Committee on Foreign Relations and the House Committee on Foreign Affairs conducted hearings during February, March, and April, 1987 on the respective bills (S. 740, S. 766, and S. 767; and H.R. 1777). After making substantive changes to the original Administration request during committee consideration and mark-up, the respective committee measures were ordered favorably reported. The Foreign Relations Committee reported S. 1394, an original bill on May 15, 1987 (S. Rept. 100–75).

Further amending took place during House and Senate floor debates. The House passed its version of the bill (H.R. 1777) on June 23, 1987. The Senate added 86 amendments to S. 1394, many of which were of foreign policy significance. The Senate struck the text of H.R. 1777 after the enacting clause, and substituted the language of S. 1394 as an amendment. On October 8, 1987, the Senate passed H.R. 1777, as amended and in lieu of S. 1394, by a vote of 85–8. A conference was requested by the Senate on the same day.

Proposed funding levels for international affairs programs for fiscal years 1988 and 1989 adhered to the need for Government-wide budget cuts under the Gramm-Rudman-Hollings deficit-reduction law. Both the House and Senate took decisive action to significantly limit or reduce foreign affairs funding authorizations for fiscal years 1988 and 1989. The House Foreign Affairs Committee imposed a freeze on the authorizations for fiscal year 1988 at fiscal year 1987 spending levels under the omnibus continuing resolution (PL 99–591), while the Senate Foreign Relations Committee moved to limit authorizations to only a nominal increase over fiscal year 1987 budget levels. The House authorization for fiscal year 1988 was $14 million less than the fiscal year 1987 appropriation, and $438 million less than the Administration request for fiscal year 1988. After floor consideration, the Senate authorization for fiscal year 1987 was increased to $130 million more than the fiscal year 1987 appropriation, but remained $294 million below the fiscal year 1988 Administration request.

While the House-Senate conference on the Foreign Relations Authorization Act was underway, the executive-legislative dispute over authorized budget levels was resolved by conferees on the omnibus continuing appropriations bill (PL 100–202). The Presidential-Congressional Summit Agreement of November 20, 1987, increased the overall funding cap for the international affairs budget function (150), which resulted in only modest reductions for the State Department, USIA, and other international affairs authorizations under the legislative purview of this act.

The total authorization for fiscal year 1988 was $200 million more than the fiscal year 1987 appropriation, and $224 million less than the fiscal year 1988 Administration request. The higher authorization level was intended to provide sufficient funds for the resumption of full U.S. assessed contributions to the United Nations, and to maintain current State Department services and programs without personnel layoffs or closure of U.S. embassies and consulates abroad.

The continuing resolution also included authority for the President to waive or ignore certain controversial provisions in the Foreign Relations Authorization bill, while requiring the implementation of other sections opposed by the Administration. The resolution allowed the President to uphold existing U.S.-Soviet embassy agreements provided specified security certifications have been made, and to proceed with plans to close various U.S. consulates abroad as a cost-saving measure. Overriding executive branch objections, the resolution ordered the closure of the Palestine Liberation Organization office in New York, and mandated polygraph tests for certain State Department security officials involved with counterintelligence matters.

The Conference Report to H.R. 1777 (H. Rept. 100–75) was filed in the House on December 14, 1987. The report was agreed to in the House on December 15, 1987, by a vote of 366–49, and in the Senate on December 16, 1987, by voice vote. The measure was signed by the President on December 22, 1987, as Public Law 100–204.

Department of State Authorization of Appropriations

GENERAL FUNDING LEVELS

Both the House bill and the Senate amendment authorized total funding levels below the Administration request for the Department of State for fiscal year 1988. The Senate amendment provided for a somewhat higher total funding level for fiscal year 1988 than the House recommendation. The Senate funding level included a reallocation of funds previously authorized under the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, and a higher funding level for the regular salaries and expenses account to enable the Department of State to maintain its current level of operations.

The conference substitute authorized $3.1 billion for fiscal year 1988, an amount slightly higher than the Senate provision, and $3.16 billion for fiscal year 1989, for the Department of State. Authorization for fiscal year 1989 provided a 2 percent increase over fiscal year 1988 pursuant to the Presidential-Congressional budget resolution concluded on November 20, 1987.

The following chart summarizes the amounts approved during House and Senate consideration of the measure:

[In thousands of dollars]

	Executive branch request	House bill	Senate bill	Conference
Fiscal Year 1988:				
Administration of Foreign Affairs	1,825,481	697,087	772,747	1,771,971
Diplomatic Security Program	408,791	408,446	351,054	350,000
International Organizations and Conferences	606,927	424,360	605,860	606,400
International Commissions	32,706	29,200	29,200	29,200
Other Programs	321,450	343,250	321,350	343,250
Total, Department of State	3,195,355	2,902,343	3,080,211	3,100,82
Fiscal Year 1989:				
Administration of Foreign Affairs		1,784,828	....	1,798,128
Diplomatic Security Program		325,152	....	366,282
International Organizations and Conferences		441,154	....	618,528
International Commissions		30,368	....	29,784
Other Programs		356,980	....	350,115
Total, Department of State		2,938,483	....	3,162,837

COMPLIANCE WITH PRESIDENTIAL-CONGRESSIONAL SUMMIT AGREEMENT

The conference report specified that all funds authorized by this act must fully comply with the November 20, 1987, Presidential-Congressional Summit Agreement, and may not exceed the budget authority limits established by the summit agreement.

PROHIBITION ON USE OF FUNDS FOR POLITICAL PURPOSES

The committee adopted an amendment offered by Senator Kerry which prohibited funds authorized for any entity engaged in the conduct of U.S. foreign affairs from being used for publicity purposes intended to influence legislation pending before Congress or the outcome of a political election. An officer or employee of the U.S. Government who violates or attempts to violate this section shall be subjected to criminal and employment penalties. This relates to allegations that the State Department Office of Public Diplomacy for Latin America and the Caribbean had used its resources in such a manner.

The House version did not contain a comparable measure. The conference substitute was similar to the Senate amendment, but deleted the criminal and employment penalties.

CONSULAR AND DIPLOMATIC POSTS ABROAD

The committee adopted several provisions which prohibited the use of authorized funds to pay for expenses related to the closing of U.S. consular posts and diplomatic missions abroad. The provision did not apply, however, to the closing of any post due to 1) broken or downgraded relations, 2) the existence of a significant security threat at the post, or 3) the opening of a higher priority consular or diplomatic post. The Senate amendment also earmarked funds for the operation of specified U.S. consular posts in Europe, and, at the urging of Senator Domenici, withheld $50 million of the funds authorized for the Administration of Foreign Affairs pending the reopening of specified consulates closed after January 1, 1987.

The Senate provisions were designed to prevent the proposed closing of U.S. consulates abroad by the Department of State as a cost-saving measure in anticipation of fiscal years 1988 and 1989 budget cuts.

In related Senate floor activity, Senator Helms introduced an amendment which prohibited the use of authorized funds to pay for the expenses of maintaining a U.S. diplomatic or consular post in Antigua and Barbuda. Both the Senate amendment and an identical House provision noted that previous staff levels and expenses incurred in maintaining a U.S. diplomatic presence in Antigua and Barbuda exceeded reasonable expenses necessary to conduct relations with a country of that size.

The conference substitute was similar to the various Senate provisions, but permitted the Secretary of State to submit a list of diplomatic posts to be downgraded or closed in the event of a sequestration order under the Gramm-Rudman-Hollings deficit-reduction law. Furthermore, an agreement reached by conferees to the Presidential-Congressional Budget Summit provided a two-year Presidential waiver of all restrictions imposed on post closings in the Foreign Relations Authorization Act. A Presidential waiver of the mandatory closing of the diplomatic post in Antigua and Barbuda was also provided in the conference substitute.

PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK

The committee adopted a provision which prohibited the obligation or expenditure of authorized funds for site acquisition, development, or construction of any facility in Israel, Jerusalem, or the West Bank. The House bill did not address this issue. The conference substitute prohibited the use of authorized funds for any new diplomatic facility in this region, but permitted the use of funds for the security upgrade of existing facilities.

OFFICIAL RESIDENCE FOR THE SECRETARY OF STATE

After two unsuccessful attempts to block an executive branch request to authorize funds for an official residence for future secretaries of state, Senator Helms introduced an amendment on the Senate floor which prohibited the Department of State from soliciting or receiving funds, gifts, or bequests of real property for the purpose of establishing a permanent residence for the Secretary of State. The amendment narrowly passed the Senate by a vote of 48–47.

A comparable provision was not included in the House bill. The conference substitute followed the Helms amendment, with some technical modifications.

U.S. DEPARTMENT OF STATE FREEDOM OF EXPRESSION

In reaction to recent State Department efforts to limit public protests against foreign diplomats, Senator Helms introduced an amendment on the Senate floor which prohibited the Department of State from declaring itself a foreign mission on the basis of U.S. national security interests. The Senate passed the amendment by voice vote.

The House did not provide a comparable provision. The conference substitute was similar to the Senate amendment, with a technical correction.

RESTRICTION ON SUPERVISION OF GOVERNMENT EMPLOYEES BY CHIEFS OF MISSIONS

The conference agreement retained a committee provision offered by Senators Helms and Dodd which limited the chief of mission's responsibilities and authorities to U.S. Government employees serving in the executive branch, and stated that such authority shall not affect the official duties of Members or employees of Congress. Only executive branch agencies are required to apprise the chief of mission as to the activities of its employees in foreign countries. The Senate amendment clarified a similar House provision, and was retained in the conference substitute.

RESTRICTION ON USE OF FUNDS FOR PUBLIC DIPLOMACY EFFORTS

The committee adopted an amendment offered by Senator Kerry which prohibited the Department of State from entering into contracts or purchase orders for the provision of public relations activities, except within the purview of the Bureau of Public Affairs. The provision limited the Bureau's annual ability to contract for such services to $389,000.

The committee provision was prompted in an apparent reaction to irregularities in the Department of State's public diplomacy contracting practices which were revealed during the Iran-Contra inquiry. The provision sought to prevent the recurrence of abuses in the issuance of contracts for public relations activity, and to discourage the privatization of such activities by the Department of State.

The House bill contained a similar provision which would permit the State Department to enter into contracts related to the advocacy of policy positions during fiscal years 1988 and 1989, provided that the House Foreign Affairs and Senate Foreign Relations Committee were notified 15 days in advance of the proposed contract.

The conference substitute combined both House and Senate provisions.

SOVIET EMBASSY AGREEMENT, PROHIBITION ON USE OF MOUNT ALTO SITE

During Senate floor debate, Senator Symms proposed an amendment which required the United States to void the 1969 and 1972 embassy agreements with the Soviet Union, and to enter into negotiations for a new agreement that would require the Soviet Union to move its new embassy to a site not more than 90 feet above mean sea level. The Symms amendment replaced a similar committee provision offered by Senator Pell. The Senate agreed to the Symms amendment by voice vote.

The House bill contained a similar provision, but empowered the President to uphold existing US-Soviet embassy agreements for national security reasons. The President would also be required to certify that precautionary measures have been taken to secure the new U.S. embassy site in Moscow, and to eliminate the threat to U.S. national security posed by electronic surveillance from the Mount Alto site of the new Soviet embassy.

As in the House bill, the conference substitute provided the President with an option to waive the requirements of this section, subject to Presidential certification that adequate steps have been taken to secure the U.S. embassy in Moscow and to remove the threat to U.S. national security from the Soviet embassy site on Mount Alto. The conference agreement required the President to provide the specified certifications within 6 months after the enactment of this act. If the President is unable or fails to make such determinations, the United States will withdraw from the United States-Soviet Embassy Agreement.

UNITED STATES-SOVIET DIPLOMATIC RECIPROCITY, AND OTHER MATTERS RELATING TO US-SOVIET EMBASSIES AND DIPLOMATIC PERSONNEL

The Senate version of the Foreign Relations Authorization Act for fiscal years 1988 and 1989 included several provisions pertaining to U.S.-Soviet reciprocity, employment of foreign service nationals and the security of U.S. diplomatic missions in Communist-controlled countries, and the imposition of travel restrictions on personnel of Eastern bloc diplomatic missions in the U.S.

The committee adopted a provision offered by Senator Helms and modified by Senator Evans, which directed the Secretary of State to submit to Congress an annual determination of the cost of operating diplomatic and consular missions in the Soviet Union or in a member country of the Warsaw Pact. In cases where these costs are adversely disproportionate or unreasonable, the Secretary is directed to take reciprocal financial actions against the diplomatic facilities of such countries in the United States. The conference substitute was essentially the same as a comparable House provision.

In other legislative activity pertaining to United States-Soviet diplomatic relations, Senator Cohen introduced an amendment during Senate floor debate which prohibited the employment of foreign service nationals (FSNs) at United States diplomatic and consular facilities in any country listed as a Communist country. The Cohen amendment was agreed to in the Senate by voice vote. The conference substitute, which modified both the Senate amendment and a similar House provision, banned the employment of FSN's in areas of diplomatic and consular facilities where classified materials are maintained. However, the substitute included a Presidential waiver of this requirement due to budgetary constraints and national security interests.

The Senate version of the bill also contained numerous reporting requirements pertaining to the security program of certain high risk embassies and other diplomatic missions abroad, and to the security of future construction projects in Communist-controlled countries and other related issues. Many of these reporting requirements were offered in committee by Senators Pell, Lugar, Murkowski, Boschwitz and Kerry; with two additional requirements introduced on the Senate floor by Senators Roth, Helms, and Dole. The conference substitute directed the Secretary of State to certify to Congress that appropriate steps have been taken to secure construction projects, and to provide completed facilities with adequate security measures to protect national security information and personnel.

In other floor activity, Senator Roth introduced an amendment which extended the same travel restrictions to all personnel of Warsaw Pact and Cuban foreign missions in the United States as those already applied to diplomatic and trade officials from the Soviet Union. The amendment passed the Senate by voice vote. The conference substitute, which modified both the Senate amendment and a comparable House provision, permitted the Secretary of State to restrict travel in the United States of those foreign personnel to an international organization whose national government is engaged in espionage activities harmful to the national security interests of the United States. The conference substitute, however, permitted the Secretary to waive this requirement on national security and foreign policy grounds.

COUNTERINTELLIGENCE POLYGRAPH SCREENING OF DIPLOMATIC SECURITY SERVICE PERSONNEL

The House bill directed the Secretary of State to implement a polygraph examination program for members of the Diplomatic Security Service. The House provision specified that the scope of the polygraph testing is limited to counterintelligence matters only, and subject to the same restrictions as those imposed on the Department of Defense program. The Senate amendment did not address this issue. The House provision was retained in the conference agreement.

The Administration voiced strong opposition to congressional imposition of polygraph testing. In signing the Foreign Relations Authorization bill, the President stated that he would implement this requirement on a case-by-case basis at the discretion of agency heads.

COMMISSION TO STUDY FOREIGN SERVICE PERSONNEL SYSTEM, AND OTHER RELATED PERSONNEL MATTERS

A Senate amendment sponsored by Senator Helms directed the Secretary of State, in consultation with the Foreign Relations Committee, to name a five-member commission to study the Foreign Service personnel system. The provision was an apparent reaction to the Department of State's controversial "selection out" process and cited, as its primary purpose, the need to develop a personnel system that provides adequate career stability to members of the Foreign Service.

In other related personnel matters, Senator Helms sponsored several amendments on the Senate floor which he believed would enhance congressional oversight of the Department of State's personnel practices. One of these amendments directed the Office of Personnel Management to conduct an audit and inspection of the Foreign Service personnel merit system, and report to Congress any discriminatory practices or necessary improvements in the system. Another provision required the Foreign Service Grievance

Board to maintain records of all decisions in favor of the grievant, and to provide the Foreign Relations Committee access to all grievance decisions.

The House bill contained no comparable provision to these Senate amendments. The conference substitute was similar to the Senate provisions, but with some technical and perfecting language of implementation.

PAY LEVELS OF CHIEF OF MISSIONS AND AMBASSADORS-AT-LARGE

At the urging of Senator Helms, the Senate adopted two provisions which established salary caps on chiefs of missions and ambassadors-at-large. The impact of these provisions would prevent such officials from exceeding the annual salary rates payable to Members of Congress.

The amendments stipulated that chiefs of missions would be eligible to receive an annual salary rate commensurate with executive levels II through V. The annual salary rate determined according to this scale would be considered full compensation, and chiefs of missions would not eligible for any additional compensation, with the exception of danger pay. The amendments also reduced the salary of future ambassadors-at-large from executive level II to level IV, or from the equivalent of the Deputy Secretary to that of an Assistant Secretary.

The conference substitute established executive level II as the total compensation cap for chief of missions, except for danger pay. The substitute also retained a similar House provision concerning the salary of future ambassadors-at-large.

UNITED STATES INFORMATION AGENCY AUTHORIZATION OF APPROPRIATIONS

In response to fiscal constraints and the need to substantially reduce the budget deficit, the Act authorized funding levels for the U.S. Information Agency (USIA) that were lower than the President's request for fiscal years 1988 and 1989. Pursuant to the Presidential-Congressional Summit Agreement of 1987, budget authority for fiscal year 1989 provided only a 2 percent increase over fiscal year 1988 authorization levels. Total authorizations approved by Congress for both fiscal years 1988 and 1989 were below the fiscal year 1987 appropriated level.

Total budget authority for USIA operations was authorized in three separate titles. The following chart summarizes funding levels recommended for each of these titles by the House and Senate, and the final amounts authorized by the committee of conference:

[In thousands of dollars]

	Executive branch request	House bill	Senate bill	Conference
Fiscal Year 1988:				
U.S. Information Agency	462,919	440,261	414,750	437,346
Educational & Cultural Programs	190,399	187,439	187,000	190,625
Voice of America	283,994	192,852	180,000	192,852

[In thousands of dollars]

	Executive branch request	House bill	Senate bill	Conference
Total, USIA	937,252	820,552	781,750	820,823
Fiscal Year 1989:				
U.S. Information Agency	493,408	457,971		446,344
Educational & Cultural Programs	192,992	194,937		194,438
Voice of America	383,715	266,566		196,709
Total, USIA	1,070,115	910,474		837,491

USIA POSTS AND PERSONNEL OVERSEAS

The committee bill prohibited the use of authorized funds to pay expenses related to the closing of Agency posts abroad, or to pay expenses for specified USIA programs if any Agency post is closed after April 1, 1987, and is not re-opened within 90 days of enactment. Exceptions were provided for post closings due to broken or downgraded relations with the host country, the existence of significant security threats, or to provide sufficient funds to open higher priority posts. The committee provision also prohibited any reduction in USIA overseas personnel until the present ratio of USIA employees stationed in the United States returned to the 1981 level.

A comparable provision was not included in the House bill. The conference substitute was the same as the Senate amendment.

USIA PROGRAMMING ON AFGHANISTAN

The committee adopted an amendment offered by Senator Boschwitz which directed the Director of USIA to implement and submit to Congress a formal country plan on Afghanistan.

The House bill did not contain a comparable provision. The conference substitute was similar to the Senate amendment.

AUDIENCE SURVEY OF WORLDNET PROGRAM

In its report, the committee questioned the utility and limited distribution abroad of Worldnet's passive or acquired programming, and expressed concern that USIA had greatly exaggerated claims about Worldnet viewership. The committee's recommended authorization for Worldnet therefore assumed little or no expenditure for passive programming. The committee further emphasized the need for more realistic presentations to the Congress to ensure the continued and careful assessment of televised programming in U.S. public diplomacy.

In response to these committee concerns, Senator Pell introduced an amendment on the Senate floor which earmarked funds to conduct an audience survey of Worldnet, and required USIA to report the results of this survey to Congress. The amendment passed the Senate by voice vote.

The House bill did not contain a comparable measure. The conference substitute was similar to the Senate amendment, but added a provision which prohibited the expenditure of USIA funds for the acquisition of passive programming unless the survey required by the Senate amendment has been completed in the manner specified, and can demonstrate with a high degree of reliability that the average daily audience of Worldnet's passive programming is not less than 2 million viewers.

NATIONAL ENDOWMENT FOR DEMOCRACY (NED)

The committee accepted an amendment introduced by Senator Dodd, and co-sponsored by Senator Moynihan, which authorized $17.5 million for the National Endowment for Democracy. In its report, the committee noted the importance of NED funding for the civilian democratic opposition in Nicaragua, and urged continued support for this program. During Senate floor consideration, Senator Bentsen introduced an amendment for himself and 9 cosponsors which earmarked $250,000 of the total NED authorization for support of the free press and democratic civic opposition inside Nicaragua.

A similar authorization was provided in the House bill. The conference substitute followed the Senate amendment, but modified the Senate restriction which prohibited agencies or employees of the U.S. Government from directly or indirectly participating in controlling or prescribing the use of these funds.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

The committee bill updated the statutory authority for the U.S. Advisory Commission on Public Diplomacy, and altered the method by which Commission members are selected in an effort to safeguard the Commission's independent and bipartisan oversight of U.S. public diplomacy.

The House bill did not contain a comparable provision. The conference substitute updated the statutory authority, but eliminated most of the bipartisan selection requirement of the Senate amendment.

DISTRIBUTION WITHIN THE UNITED STATES OF USIA FILM ENTITLED "AMERICA THE WAY I SEE IT"

The conferees retained an amendment introduced on the Senate floor by Senator Bentsen, which authorized the distribution within the United States of the USIA film entitled "America The Way I See It". The House did not provide a similar amendment.

EDUCATIONAL AND CULTURAL AFFAIRS

In its report, the committee emphasized the importance of maintaining the independent and non-political character of programs administered by the Bureau of Cultural Affairs and, therefore, recommended a separate authorization for educational and cultural programs. The conference substitute retained the overall intent of the committee directive by authorizing funds for educational and cultural affairs under a separate title within the budgetary authority of the United States Information Agency.

SAMANTHA SMITH MEMORIAL EXCHANGE

Senator Mitchell introduced an amendment on the Senate floor which established the Samantha Smith Memorial Exchange Program with the Soviet Union, and provided $2 million in additional authorization to administer this program. The Senate agreed to the amendment by voice vote. Conferees expanded its scope to include other East Bloc countries.

ARTS AMERICA PROGRAM

A committee amendment to transfer USIA's Arts America program into the Bureau of Educational and Cultural Affairs was retained in the conference agreement. A comparable provision was not included in the House bill.

PROFESSORSHIP ON CONSTITUTIONAL DEMOCRACY

Senators Lugar and Trible introduced an amendment in committee which directed the President to foster the teaching of constitutional democracy at the Santo Thomas University in the Republic of the Philippines by supporting a professorship on the subject of constitutional democracy, if such a professorship is established by the university. The conference substitute retained the Senate amendment and an identical House provision.

UNITED STATES-INDIA AND UNITED STATES PAKISTAN FUNDS

Conferees accepted a committee amendment which both permitted the principal and interest amounts associated with the United States-India fund, to be used in accordance with the Cultural, Educational and Scientific Cooperation Agreement signed by the United States on January 7, 1987.

Conferees rejected, however, a committee amendment to enter into a similar agreement with the Government of Pakistan for the establishment of the United States-Pakistan Fund for Cultural, Educational, and Scientific Exchange.

THE EDWARD ZORINSKY MEMORIAL LIBRARY

Conferees retained a committee amendment which designated the USIA library in Jakarta, Indonesia as the "Edward Zorinsky Memorial Library". This library was opened as a result of legislation authored by the late Senator Zorinsky. A comparable provision was not provided in the House bill.

VOICE OF AMERICA

In its report, the committee noted Voice of America's (VOA) important role in providing reliable news and quality programming about the United States to listeners in "denied" areas of the world. These areas include the Soviet Union, Eastern Europe, China, and parts of the Third World where information is relatively scarce. The committee therefore recommended that any future budget cuts considered by VOA should be in services outside denied areas, where competitive local radio systems and other free world radio services have established audiences.

The conference agreement established a separate authorization for the Voice of America within the total budget authority of the United States Information Agency. A Senate amendment which earmarked the use of VOA funds for Slovenian broadcasts was introduced on the Senate floor by Senator Metzenbaum and co-sponsored by Senators Dodd and Kerry, but was not included in the conference agreement.

VOICE OF AMERICA (VOA)/EUROPE

The House authorized funding levels of $3 million in fiscal year 1988 and $3,120,000 in fiscal year 1989 for the Voice of America/Europe. The Senate bill did not establish a separate earmark for this service, but provided funds within the overall authorization for Voice of America.

The conference substitute authorized $3 million in fiscal year 1988 and $3,060,000 in fiscal year 1989 for VOA/Europe. As is the House bill, the conference substitute directed VOA/Europe to conduct periodic audience evaluations, to promote and advertise its programs, and to implement the recommendations of the Young European Study.

CONTRACT REQUIREMENTS

The committee adopted an amendment offered by Senator Dodd, and co-sponsored by Senators Kerry and Sanford, which would apply a strong American preference for projects undertaken through the Voice of America facilities modernization program. The Committee expressed concern that U.S. manufactured transmitters, antennas, and other electronic components are at a competitive disadvantage relative to their foreign counterparts due to restrictions imposed on procurement by foreign governments. This "Buy American" differential would apply to only those countries which do not offer fair competitive opportunities to U.S. manufacturers of radio-related equipment. Furthermore, the committee stated that overriding U.S. national security interests in the VOA program necessitate an uninterrupted supply of logistic support, which can best be assured through the procurement of U.S. manufactured equipment.

The committee provided an exception to the American preference requirement in certain narrowly defined circumstances in which either 1) a bilateral agreement with a foreign country explicitly precludes such a preference, or 2) a foreign bidder can establish, pending certification of the United States Trade Representative, that the foreign country in question provides open, competitive and nondiscriminatory bidding for U.S. contractors and suppliers on procurement projects related to the national public radio or television sector.

The House bill did not provide VOA contractor requirements. The conference substitute required a certification from the Secretary of Commerce that foreign bidders are not receiving any direct subsidy that would disadvantage the competitive U.S. bids on VOA modernization projects. Conferees did not require the Secretary of Commerce to prove or show affirmatively that U.S. persons are not being disadvantage before making such a certification.

BOARD FOR INTERNATIONAL BROADCASTING (BIB) AUTHORIZATION OF APPROPRIATIONS

The Board for International Broadcasting provides funding and oversight for Radio Free Europe/Radio Liberty, Inc., which provides a surrogate home radio service to the peoples of Eastern Europe, the Soviet Union and Afghanistan.

The committee authorized $174 million in new budget authority for BIB operations for fiscal year 1988. Funding levels approved during House and Senate consideration of the measure are summarized in the following chart:

[In thousand of dollars]

	Executive branch request	House bill	Senate bill	Conference
BIB, Fiscal Year 1988	293,000	170,600	174,000	186,000
BIB, Fiscal Year 1989	219,424	219,424	....	207,424

In authorizing higher funding levels for fiscal year 1988, both the Senate Foreign Relations Committee and House-Senate conference reports noted the need to offset the dramatic impact of the recent decline in the value of the U.S. dollar on the BIB operating budget.

IMPROVEMENT OF BIB FACILITIES

The Senate amendment earmarked $12 million of the funds authorized for BIB radio construction and transmitter modernization. The House version did not included a comparable provision. The conference substitute earmarked $12 million in each fiscal year for the modernization program.

THE ASIA FOUNDATION

The committee adopted an amendment, offered by Senators Cranston and Boschwitz, to increase the administration's $9.671 million request to $15 million for both fiscal years. The increase was intended to enhance the Asia Foundation's effort to promote the development of democratic institutions in Asia.

Both the House bill and conference substitute authorized appropriation of $13.7 million for fiscal year 1988, and $15 million for fiscal year 1989.

INTERNATIONAL ORGANIZATIONS

REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES

The committee bill authorized sufficient funds for the resumption of full United States contributions to the United Nations and its specialized agencies. In addition, the committee accepted a provision offered by Senator Kassebaum which contained a congressional finding that the consensus-based budget-making procedure established by General Assembly Resolution 41/213 is a significant step toward compliance with the intent of Section 143 of the Foreign Relations Authorization Act for fiscal years 1986 and 1987.

Section 143, known as the 1985 Kassebaum-Solomon amendment, was designed to force U.N. budget reform by prohibiting payment of the U.S. assessed contribution in excess of 20 percent of the U.N. budget until the General Assembly adopted a budget-making procedure in which a member's weighted vote was proportionate to the member's contribution. The 1985 Kassebaum amendment contributed to a 5 percent short-fall in the U.N. budget, and led to a reform of the budget-making process based on the prior consensus of a U.N. budget committee of which the United States is a member. The 1987 Kassebaum amendment eliminated the former requirement under Section 143 for a U.N. budget-making procedure based on the weighted voting of its members, and permitted payment of the full U.S. assessed contribution provided that the United Nations adheres to the consensus-based budget reform.

The 1987 Kassebaum amendment also contained a withholding formula which granted authority to the President to provide 40 percent of the funds appropriated for the U.S. assessed contribution to the United Nations on or after October 1, 1988, an additional 40 percent upon Presidential determination that the U.N. had implemented of the consensus-based budget reforms, and the final 20 percent upon congressional receipt the President's determination unless a joint resolution of disapproval is enacted by the Congress. Finally, the committee bill restricted U.S. contributions to not more than 20 percent of the total budget of any of the U.N. specialized agencies unless the President could determine that these agencies have made significant progress toward implementation of the budget reforms referenced above.

The conference substitute was essentially the same as the Senate amendment, but with additional Presidential certification requirements concerning progress toward the 50 percent limitation on seconded employees at the United Nations, and other staff reductions within the Office of the U.N. Secretariat. The House bill contained a similar provision.

The conference substitute, however, deleted a related Senate amendment which called for a 50 percent reduction in U.S. appropriated contributions to the U.N. unless the President determined that significant progress had been made to eliminate the excessive use of secondment and political control of U.N. employees by various member states. The amendment, which was introduced during Senate floor debate by Senator Heinz and 8 cosponsors, was designed to counter the Soviet Union practice of placing KGB officers on temporary loan as employees of the U.N. Secretariat or specialized agencies. Conferees noted that the intent of this Senate amendment was already incorporated in the conference provision.

U.S. PARTICIPATION IN THE UNITED NATIONS IF ISRAEL IS EXCLUDED

The House bill contained a provision which stated that if Israel is excluded from full participation in any principal or subsidiary organ or specialized agency of the United Nations, the United States shall suspend its participation in United Nations. The Foreign Relations Committee adopted a similar provision offered by

Senator Pell which only prohibited U.S. participation in ECOSOC. The conference substitute was similar to the House provision, but did not apply the restriction to U.S. participation in the U.N. Security Council or the International Atomic Energy Agency.

PUBLIC ACCESS TO UNITED NATIONS WAR CRIMES COMMISSION FILES

The committee adopted a provision, proposed by Senator Moynihan, which declared the sense of the Congress that the United States should support efforts to gain access by interested individuals and organizations to the files of the United Nations War Crimes Commission. The House passed a similar provision. The conference substitute was identical to the Senate amendment.

U.S. COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

In Senate floor activity, Senator Grassley introduced an amendment for himself and Senators Simon and Moynihan which established a United States Commission to study and evaluate the United Nations system, and to submit to the President and Congress recommendations on improving the effectiveness of the U.N. system and the role of the United States in that system. The Senate passed the amendment by voice vote.

The House version did not contain a similar provision. The conference substitute was comparable to the Senate amendment, but reduced the overall size of the Commission and the number of Commissioners to be appointed by the President.

OTHER INTERNATIONAL ORGANIZATIONS

The Senate passed several provisions which addressed the extension of diplomatic privileges and immunities, as well as U.S. membership and contributions to other international organizations. These included the following provisions:

—Senator Cranston proposed an amendment on the Senate floor which extended diplomatic privileges and immunities to offices of the European Community located in the United States. The conference substitute was the same as a similar House provision.

—Senator Helms offered an amendment during Senate floor activity for himself and Senators Evans and Boschwitz, which directed the Secretary of State to contribute not less than 20 percent to the regular budget of the International Committee of the Red Cross (ICRC). The conference substitute was similar to the Senate amendment, but decreased the mandatory U.S. contribution to 10 percent of the ICRC regular budget.

—The committee adopted a provision which extended to the International Committee of the Red Cross the same diplomatic privileges and immunities granted to other public international organizations under the International Organizations Immunities Act. The House bill did not provide a comparable measure. The conference substitute was similar to the Senate amendment.

—Senator Pell introduced an amendment during floor deliberation which authorized the President to maintain U.S. membership and contributions to the Intergovernmental Committee for European Migration, and to approve amendments to that organization's constitution. The House version lacked a comparable provision. The conference substitute was the identical to the Senate amendment.

INTERNATIONAL NARCOTICS CONTROL

CERTIFICATION PROCEDURES FOR DRUG PRODUCING AND DRUG-TRANSITING COUNTRIES

Senator Helms introduced an amendment from the Senate floor to change the date of submission from March 1 to February 15 of the annual Presidential certification pertaining to major drug-producing and transit countries; to extend the congressional review period from 30 to 60 days; and to require specified comments and recommendations from appropriate Federal agencies involved in drug enforcement. The amendment was agreed to in the Senate by voice vote.

The House bill did not contain a similar provision. The conference substitute was similar to the Senate amendment, with some technical modifications. The conference agreement maintained March 1 as the annual date of submission of the presidential certification, and extended the congressional review period from 30 to 45 days.

SANCTIONS ON DRUG PRODUCING AND DRUG-TRANSITINGCOUNTRIES

In Senate floor activity, Senator Roth introduced an amendment which provided for the imposition of further sanctions against drug-transiting countries unless such countries curtail corruption and cooperate with the United States to combat international drug trafficking. In addition to the current list of tariff sanctions specified in the Trade Act of 1974, the amendment included the following sanctions: limitation of nonimmigration status visas, curtailed air transportation, and mandated withdrawal of U.S. personnel and resources from participation in the pre-clearance of customs. These sanctions shall be applied to any country, subject to presidential determination, which has not fully cooperated with the United States in preventing illicit drug production and trafficking. The Senate amendment further required the President, in reaching a sanction determination, to consider whether the governments of noncooperative countries have taken the legal and law enforcement steps necessary to eliminate bribery and corruption of government officials.

A comparable measure was not provided in the House bill. The conference substitute was similar to the Senate amendment, with some technical modifications. After serious consideration, conferees voted to delete the limitation of nonimmigrant visas. Conferees determined to carefully monitor the cooperation received from drug-producing and drug-transiting countries, and to consider the expansion of further sanctions against noncooperative countries. The conference report focussed particular attention on the continued lack of cooperation from the Government of the Bahamas in curbing drug-related corruption in that country.

IMMIGRATION AND REFUGEE PROVISIONS

PROHIBITION IN EXCLUSION OR DEPORTATION OF ALIENS OF CERTAIN GROUNDS

The committee accepted an amendment offered by Senators Simon, Moynihan, and Kassebaum, which prohibited the exclusion of any alien solely on the basis of any past or current political beliefs or associations, or the expected contents of the alien's statements while in the United States.

The House version did not contain a comparable provision. The conference substitute incorporated the general intent of the committee provision. Both the committee and conference reports noted that current U.S. law provides Presidential authority to deny admission to aliens on the grounds that such entry would harm the national security and foreign policy interests of the United States. While the conference substitute retained the discretionary power of the executive branch to exclude or deport aliens in certain limited circumstances when it is in the interests of the United States, the substitute clearly stated that exclusion or deportation would not be permitted if such exclusion or deportation were based on beliefs, statements, or associations which would otherwise be constitutionally protected if engaged in by U.S. citizens in the United States.

The Conference Committee further noted the comprehensive legislation under consideration by the Committee on the Judiciary of both the House and the Senate which would revise the criteria for exclusion and deportation of aliens under the Immigration and Nationality Act. Because of the expected expeditious consideration of this legislation, the Conference Committee included a 1-year sunset provision in the conference substitute. It was the intent of the Conference Committee that this section should apply to all visas and permanent resident status granted during 1988, and to all determinations of admissibility made after December 31, 1987.

ADJUSTMENTS TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF COUNTRIES FOR WHICH EXTENDED VOLUNTARY DEPARTURE HAS BEEN MADE AVAILABLE

During Senate floor consideration, Senator Mikulski proposed an amendment for herself and Senator Murkowski to include a separate title concerning the Polish Permanent Resident Adjustment Act of 1987. Under the provisions of this title, Polish nationals who have continuously resided in the United States since July 1, 1984, and for whom a record has been established by the Immigration and Naturalization Service, would be permitted to apply for adjustment to permanent resident status. The amendment passed the Senate by voice vote.

The House version did not address adjustments to the permanent residence status of Polish or any other nationals residing in the United States.

The conference substitute retained the Senate provision, but made several significant changes. First, the conference agreement deleted the requirement for a pre-established record with the Immigration and Naturalization Service. Second, the agreement extended the application for adjustment to Polish nationals and other nationality groups for which extended departure status (EVD) has been provided at any time during the past 5 years. Nationalities for which EVD status has been provided during the previous 5 years include: Poles, Ugandans, Ethiopians, and Afghans. Finally, by granting qualified aliens temporary resident status rather than the permanent resident status provided in the Senate amendment, the conference agreement subjected the beneficiaries of this provision to the same conditions and responsibilities imposed upon other aliens legalized under the Immigration and Nationality Act.

PROCESSING OF CUBAN NATIONALS FOR ADMISSION TO THE UNITED STATES

In Senate floor activity, Senator Lautenberg introduced an amendment for himself and 5 cosponsors which reestablished normal immigration processing for Cuban nationals, and required the processing of refugee applications from Cuban political prisoners without regard to the duration of imprisonment. The amendment passed the Senate by voice vote.

The conference substitute was similar to the Senate amendment, but added language regarding the November 20, 1987, reinstatement of the 1984 bilateral agreement between the United States and Cuba which normalized immigration procedures between the two countries, and mandated the resumption of normal immigration procedures of Cuban nationals in third countries. Conferees noted the serious reservations expressed by the Department of State that a legislative mandate to normalize immigration procedures could jeopardize implementation of the bilateral agreement. The conference committee intended that in the event of future problems over implementation of the bilateral agreement, the legislative mandate would be revisited. Finally, the conference committee urged the Department of State to press the Cuban Government to adhere to the Mariel agreement to permit the return of those Cuban nationals found inadmissible to the United States because of serious criminal records or mental illness. The conference report asserted that the failure of the Cuban Government to abide by this agreement poses a major obstacle to any lessening of tensions or improvement in relations between the two countries.

INDOCHINESE REFUGEE RESETTLEMENT, AND REFUGEES FROM SOUTHEAST ASIA

Senator Hatfield introduced an amendment on the Senate floor for himself and 9 cosponsors, which earmarked funds for improvements in the security and living conditions of refugees in Southeast Asia, and the promotion of durable solutions and an ongoing resettlement program. The Senate amendment contained congressional findings regarding the plight of Indochinese refugees in Southeast Asia, and the problems of processing these refugees by the Immigration and Naturalization Service. In response to these findings, the amendment required the President to submit a report to Congress assessing the merits of transferring the authority to admit all refugees under the Immigration and Nationality Act from the Attorney General to the Department of State. Finally, the amendment expressed the sense of the Congress that the international community should increase efforts to assure the protection of Indochinese refugees.

The amendment passed the Senate by a vote of 63–33. The House bill did not contain a comparable provision.

The conference substitute replaced the congressional findings and statements contained in the Senate provision and substantially decreased the amount of funds earmarked for improvements in refugee camp security and living conditions. The conference substitute expressed the sense of the Congress that the United States is committed to responding to the Indochinese refugee problem and that the President should continue to recommend generous numbers of admissions from East Asia first asylum camps. The substitute further directed the Department of State and other international organizations to address the protection of the Khmer along the Thai-Cambodian border, and earmarked $1 million for the protection and improved living conditions of refugee camps in Thailand. Finally, the conference agreement further required the President to submit a report to the Congress regarding the respective roles of the Immigration and Naturalization Service and the Department of State on the refugee program, together with specific recommendations for improving the effectiveness and efficiency of that program.

In related legislative activity, the Senate adopted a committee provision offered by Senator Pell, which contained congressional findings that most Cambodians not associated with the Khmer-Rouge or the Heng Samrin regime have a well founded fear of persecution if forcibly returned to Cambodia, and urged that these refugees be considered and interviewed for eligibility for the U.S. resettlement program. The Senate amendment also urged the Department of State to appeal to the Royal Thai Government to cease the forced repatriation of Hmong and other Lao refugees to Laos. In absence of a comparable House provision, the conference substitute was similar to the Senate amendment.

INTERNATIONAL PARENTAL CHILD ABDUCTION

The Senate amendment contained various legislative provisions introduced on the Senate floor by Senator Dixon for himself, Senator Simon, and several cosponsors relating to international parental child abduction.

These Senate provisions contained legislation to facilitate U.S. domestic implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which established legal rights and procedures for securing visitation rights and the prompt return of children who have been wrongfully removed or retained. The implementing legislation provided administrative and judicial remedies in cases of international child abduction, and established a central Federal authority for dealing with such cases. In addition, the Senate provision would amend U.S. law to punish international child abduction as a criminal offense, and would allocate funds for the support and criminal review of such offenses. The Senate agreed to these provisions by voice vote.

The House bill did not provide a comparable measure, and the Senate provisions were ultimately deleted from the conference agreement on the understanding that Congress would address the issue of international child abduction in a later session.

ANTI-TERRORISM ACT OF 1987

Senator Grassley offered an amendment on the Senate floor which ordered the closure of Palestine Liberation Organization (PLO) offices in Washington, D.C. and New York, based on the findings of the Congress with respect to the terrorist activities of the PLO. The Senate provision made it unlawful for anyone in the United States to receive or spend funds provided by the PLO, or to act under the direction of the PLO for the purpose of furthering PLO interests. In Senate floor debate, Senator Bingaman opposed the amendment as an aberration of free speech. The Senate passed the amendment by voice vote.

The House bill contained no comparable provision, and the conference agreement was identical to the Senate amendment.

The Administration ordered the PLO information office in Washington closed, but strongly objected to the mandatory closure of the PLO office in New York which is protected as an official observer group under the Headquarters Agreement between the United Nations and the United States. In signing the Foreign Relations Authorization Act of 1988, the President qualified his acceptance of the Senate amendment by stating that such a provision "may infringe on the President's constitutional authority".

GLOBAL CLIMATE PROTECTION

The committee bill contained a separate title, proposed by Senator Biden and cosponsored by Senator Pell, which directed the President to establish a task force on the global climate and to submit to the Congress a U.S. strategy on the global climate, together with specific recommendations for legislative action. The committee provision designated the Secretary of State as the chairman of the task force.

The House bill did not contain a comparable provision. The conference substitute revised the Senate amendment by directing the Administrator of the Environmental Protection Agency, along with other appropriate Federal agencies, to develop and propose to Congress a coordinated national policy on the global climate. The conference substitute further authorized the Secretary of State to coordinate U.S. efforts to achieve international cooperation in limiting global climate change, with particular emphasis on international organizations and bilateral discussions with the Soviet Union.

REGIONAL FOREIGN RELATIONS MATTERS

The Senate version of the Foreign Relations Authorization Act contained several measures concerning U.S. foreign policy and regional affairs. Many of these measures were offered as amendments on the Senate floor, and were ultimately included by the conference committee under Title XII (Regional Foreign Relations Matters) of the final act. Several of the Senate amendments which were not accepted in the conference agreement drew considerable interest from the conferees. These regional-oriented issues included the following provisions:

SOVIET UNION AND EASTERN EUROPE

—Senator Wallop introduced an amendment on the Senate floor for himself and five cosponsors which protested recent Soviet intercontinental ballistic missile tests near the islands of Hawaii. The amendment expressed the sense of the Congress condemning the Soviet action as a probable violation of the SALT II Treaty, and demanded a public apology from the Soviet Union. The conference substitute retained the Senate findings, expressed the sense of the Congress that the Soviet action was provocative and unnecessary, called for an official U.S. protest and assurances from the Soviet Union that such missile firings will not occur in the future.

—In related legislative floor activity, Senator Helms introduced a second amendment to the Wallop provision which stated Senate opposition to U.S. compliance with any arms control treaties which the President has certified that the Soviet Union has violated, unless such violations cease and the State of Hawaii is never again placed in jeopardy by Soviet ICBM tests. The Helms amendment was tabled in the Senate by a vote of 52-43.

—Senator Helms introduced an amendment during Senate floor debate which required the President to report whether the national security interests of the United States are jeopardized by Soviet violations of the ABM treaty, and whether the United States should withdraw from the ABM treaty. The amendment was agreed to in the Senate by voice vote. The House bill did not provide a comparable measure. The Senate provision was subsequently deleted in the conference agreement, with the understanding of Senate conferees that the President will address this issue in the annual report required by the Arms Control and Disarmament Act.

—Senator Lugar offered a committee amendment which called on the President to express to the Soviet and East European governments the deep concern and opposition of the United States toward the harassment of Christians in those countries. The amendment further expressed the sense of the Congress that these governments should comply with their international commitments to respect human rights as signatories of the Universal Declaration of Human Rights and the Final Act of the Conference on Security and Cooperation in Europe. The conference substitute is similar to the statement of policy in the Senate amendment.

—The committee adopted an amendment proposed by Senator Pressler which deplored the Government of Romania's policy of denationalization and ethnocide toward Hungarians and people of other nationalities in the province of Transylvania. The House bill contained a similar provision. The conference substitute expressed the sense of the Congress denouncing the activities of the Government of Romania which restrict the internationally recognized human rights of Hungarians and other nationalities in Transylvania.

—Senator Pell introduced an amendment on the Senate floor for Senator Riegle and 10 additional cosponsors, which recognized the desire of the Baltic peoples for freedom and independence from subjugation by the Soviet Union, and called on the President to direct international attention to the right of self-determination by the people of the Baltic states. The House bill contained a similar provision. The conference substitute was essentially the same as the Senate amendment, but gave further direction to the President to issue a statement of support for the nonrecognition of the forced incorporation of the Baltic states into the Soviet Union. Conferees expressed particular concern over Soviet policies designed to change the ethnic character and to deny the internationally recognized human rights of the populations of Estonia, Latvia, and Lithuania.

—The Senate adopted an amendment introduced on the Senate floor by Senator Symms and 4 cosponsors which earmarked $1 million for each of the fiscal years 1988 and 1989 from the Economic Support Fund (ESF) account to assist the independent Polish trade union Solidarity. The House bill did not contain a comparable provision. In lieu of a direct earmark for Solidarity, the conference substitute set aside $1 million in ESF for fiscal year 1988 to assist democratic institutions in Poland. These funds will be channeled through the National Endowment for Democracy in consultation with representatives of Solidarity. Conferees devoted considerable attention to the issue of a direct earmark for Solidarity, and noted that the issue raised concern within the Polish American community.

LATIN AMERICA AND CUBA

—The conference substitute retained an amendment introduced on the Senate floor by Senators McCain and Dole which expressed the sense of the Congress that the President should partially exempt from the trade embargo against Nicaragua items which would benefit the print and broadcast media, and other private sector and democratic civic opposition groups inside Nicaragua. The conference substitute was identical to the Senate provision, which passed the Senate by voice vote.

—The Senate passed an amendment which expressed the sense of the Senate that the United States should call on the Government of Mexico to extradite Alfonso Guerrero Ulloa to the Government of Honduras for prosecution concerning the bombing of the China Palace restaurant in Comayagusa, Honduras. The Conference substitute adopted the Senate provision as a sense of the Congress.

—In related legislative floor activity, Senator Symms proposed an amendment for himself and Senator Bentsen which expressed the sense of the Senate that the Panama Canal Treaties should not have been ratified, and that the President should void the Treaties unless Panama formally accepts the Deconcini Reservation. The amendment was subsequently tabled by a vote 59-39.

AFRICA

—In Senate floor action, Senator DeConcini introduced an amendment for himself and Senators Dole, D'Amato, and

Graham which expressed the sense of the Congress that the United States should work toward a peaceful resolution to the conflict in Angola. Such resolution should include the complete withdrawal of all Soviet, Cuban, and other Communist forces, and the establishment of a government of national unity determined by free and fair elections. The amendment further stated that any humanitarian assistance provided by the United States should be distributed through private and voluntary organizations. The Senate agreed to the amendment by voice vote. The conference substitute was similar to the Senate provision, but called for the complete withdrawal of all foreign military forces and Soviet advisors.

—Senators Mikulski and Fowler introduced an amendment during Senate floor debate called for the cessation and immediate release of all children under 18 years detained without charge or trial under the state of emergency regulations in South Africa. The amendment further called on the South African Government to permit these children access to parents and legal counsel, to release information on the names and locations of all detained children, to provide detained children with adequate food, clothing, and protection, and to permit a recognized impartial international group to monitor the condition of children in detention. The Senate passed the amendment by voice vote.

A comparable measure was not provided in the House version. However, a nearly identical measure, House Resolution 141, passed the House by an overwhelming vote of 402-3. The Conference substitute was similar to the Senate amendment, but with additional language calling on the South African Government to charge detained children in those cases where an internationally recognized criminal act had been committed.

—In other legislative activity, Senator Helms introduced several amendments on the Senate floor which directed the Secretary of State to consult with all parties involved in the conflict in Mozambique and advise the Congress on the feasibility of a negotiated settlement based on democratic processes and a freely elected government. The amendments were subsequently withdrawn.

MIDDLE EAST

—Senator Wilson introduced an amendment on the Senate floor which stated the sense of the Congress that the Soviet Union should not participate in any Middle East conference or summit meeting on the Arab-Israel conflict unless it has reestablished relations with Israel, accepted U.N. Resolutions 242 and 338, substantially increased emigration of Soviet Jews to Israel, and has received the approval of Egypt, Israel, and Jordan for participation in such a conference. The Senate agreed to the amendment by a vote of 95-0. The Conference substitute was similar to the Senate amendment, but made some technical changes to conform the provision to U.S. policy on a prospective Middle East peace conference.

—Senator Helms introduced an amendment on the Senate floor for Senator Boschwitz, which expressed the sense of the Congress that U.S. foreign policy toward Lebanon should adhere to the preservation of unity, withdrawal of all foreign forces, recognition of territorial integrity, and the reestablishment of the sovereign authority of the Government of Lebanon. The amendment also expressed the sense of the Congress that the provision of food assistance through title I of Public Law 480 and section 416 of the Agriculture Act of 1949 to the Government of Lebanon is in the interest of the United States. The Senate agreed to the amendment by voice vote.

The conference substitute was similar to the Senate amendment, but with the stated intention of the conference committee that any agreement for food assistance under title I or section 416 should meet the legislative requirements for title I, and should not jeopardize continuation of the Public Law 480 title II program in Lebanon.

—Senator Moynihan proposed an amendment on the Senate floor for himself and Senator Helms, which expressed the sense of the Congress that Iranian mining of the Persian Gulf without notifying neutral nations engaged in maritime commerce violated international law, and that the use of force by the U.S. Navy to terminate that mining was justified under international law. The amendment further expressed the sense of the Congress that promoting broader adherence to international law is in the security interests of the United States. The amendment passed the Senate by voice vote. The conference substitute was similar to the Senate amendment.

—In response to the Administration's program of covert arms sales to Iran, the committee bill included a provision offered by Senator McConnell and co-sponsored by Senators Pell, Boschwitz, and Lugar, which called on the Administration to articulate clearly a United States policy toward the Iran-Iraq war. In a restatement of U.S. policy as it was widely understood before the public disclosure of arms sales to Iran, the committee amendment expressed the sense of the Congress that the U.S. policy is to support the unconditional withdrawal of Iran and Iraq to internationally recognized boundaries, the implementation of an immediate ceasefire, and the imposition of an arms embargo against any party refusing to participate in negotiations. The conference substitute was similar to the Senate amendment, but references U.S. policy in the context of U.N. Security Council Resolution 598, which calls for the peaceful resolution of the Iran-Iraq conflict under the auspices of the United Nations.

—Senator Kerry introduced an amendment on the Senate floor for himself and 14 co-sponsors, which urged the President to continue to make every effort to cooperate with other member nations of the United Nations to bring about an end to government-sponsored torture in Iran, and to pressure the Government of Iran to permit inspection of Iranian prisons by an international delegation. The amendment was agreed to in the Senate by voice vote. The conference substitute was essentially the same as the Senate amendment, but with some clarifying language.

—Senator Simon offered a committee amendment which condemned Iran's persecution of persons of the Baha' faith in direct violation of the United Nations' Charter and the Universal Declaration of Human Rights, and urged the President to take steps necessary to focus international attention on the plight of the Baha'i community in Iran. The conference substitute was identical to the Senate provision.

—Senator Melcher introduced an amendment during Senate floor consideration which expressed the sense of the Senate that the President should negotiate a plan for the sharing of costs involved in the use of U.S. Armed Forces in the Persian Gulf, and should submit a report to Congress detailing the costs incurred by the U.S. Armed Forces in the Gulf and a determination of the countries which benefit directly from the U.S. reflagging operation. The Senate passed the amendment by a vote of 95–2.

The conference substitute deleted the provision because of recent progress by Persian Gulf nations and the countries presently purchasing Persian Gulf oil in assuming a greater share of the burden for protecting gulf shipping lanes. Conferees strongly urged the executive branch to continue its efforts to strengthen material and political support for the Western effort in the Persian Gulf, and to submit a detailed report to Congress on the costs and benefits of the U.S. Persian Gulf policy.

ASIA

—In Senate floor activity, Senator Pell introduced an amendment for himself and Senator Helms which condemned human rights violations in Tibet by the People's Republic of China (PRC). The measure contained 17 congressional findings of reported human rights violations against the Tibetan people, and required that notification to Congress of any defense-related export to the PRC must be accompanied by a Presidential certification that the Government of China is acting in good faith to resolve human rights issues in Tibet. The Senate amendment also expressed the sense of Congress that the United States should reciprocate the Dalai Lama's efforts to establish a constructive dialogue over the future status of Tibet, required the Secretary of State to submit a report to Congress on the human rights situation in Tibet, and provided assistance and scholarships for Tibetan refugees.

The Pell-Helms amendment passed the Senate by a vote of 98–0. The House bill contained a similar provision. The conference substitute listed congressional findings regarding human rights violations in Tibet by the People's Republic of China, and expressed the sense of Congress that the PRC's treatment of the Tibetan people should be an important factor in U.S. policy toward China.

—Senator Pell introduced an amendment in committee which condemned the continued Soviet occupation of Afghanistan, pledged U.S. policy support and assistance to the Afghan people, and supported a negotiated settlement to the Afghanistan war including the withdrawal of all Soviet forces. The provision also directed the President and Secretary of State to ensure that assistance intended for use by the Afghan resistance is not diverted. The conference substitute was identical to the Senate amendment.

—Senator Humphrey introduced an amendment on the Senate floor for himself and Senators Helms and Byrd, which directed the President to submit a report to Congress concerning the Administration's policy of sanctions imposed on the Soviet Union to protest the Soviet invasion of Afghanistan. The conference substitute was similar to the Senate provision.

—Senator Humphrey offered an amendment during Senate floor deliberation which would establish within the Department of State the position of Ambassador-at-Large for Afghanistan to coordinate U.S. Government activities with respect to Afghanistan. The amendment was adopted in the Senate by voice vote, but was deleted from the conference substitute along with all other proposals to reorganize the Department of State, until a thorough review of the Department of State's organizational structure has been completed.

—The Senate bill contained an amendment introduced by Senator Pell during Senate floor debate, which condemned the Vietnamese occupation of Cambodia as a gross violation of international law and the fundamental human rights of the Cambodian people. The amendment called for the immediate withdrawal of Vietnamese occupation forces and the restoration of self-determination by the Cambodian people. The Senate agreed to the amendment by voice vote.

The conference substitute is essentially the same as the Senate provision, but included additional policy language expressing support for the efforts of the Association of South East Asian States (ASEAN), the U.N. Secretary General and the non-Communist Cambodian people to achieve a political settlement in Cambodia. Conferees also called for the international supervision of free and fair elections, as well as assurances that the Pol Pot regime will not return to power.

—Senator Murkowski introduced an amendment on the Senate floor which commended Taiwan's recent progress in advancing democratic institutions and values. The amendment was agreed to in the Senate by voice vote. The conference substitute combined both the Senate amendment and a similar House provision.

—The committee adopted a provision offered by Senators Cranston and Biden which called on the Korean Government to allow the election of a Presidential successor through genuinely democratic means. The committee expressed deep concern over the lack of progress toward democracy in Korea, and deplored the April 13, 1987, decision of the Korean Government to abandon efforts to agree on constitutional reform.

In Senate floor action, Senator Kerry introduced an amendment for himself and Senators Cranston and Lugar, which modified the committee provision to reflect the progress toward democratization that was achieved in South Korea since committee consideration and mark up. The Kerry amendment expressed Senate concurrence in the Republic of Korea's decision to proceed with constitutional reform and other efforts designed to ensure the integrity of the electoral process. The amended committee provision passed the Senate by voice vote, but was deleted in the conference agreement.

—The committee adopted a provision offered by Senator Murkowski which contained congressional findings concerning North Korean suppression of basic human rights and involvement in international terrorism, and expressed the sense of the Congress that North Korea should take appropriate steps to cease these harmful activities and to reduce tensions with Republic of Korea. The conference substitute deleted the Senate provision.

MISCELLANEOUS FOREIGN POLICY MATTERS

—The Senate adopted an amendment introduced on the Senate floor by Senator Conrad, which urged the President to negotiate with the NATO countries and Japan to achieve a more equitable distribution of the financial burden of these mutual defense alliances. The House bill contained a similar provision, although it was directed more specifically to the U.S.-Japanese mutual defense alliance. The conference substitute was similar to the Senate amendment.

—The Senate version contained a provision which required the development of appropriate mechanisms to identify persons who have violated specified U.S. foreign policy and national security statutes or who have been declared ineligible to receive export or import licenses from any agencies of the U.S. Government. The provision further prohibited the granting of export licenses covered by the U.S. Munitions List to foreign persons, and persons who have violated specified U.S. statutes or are otherwise ineligible to receive such licenses.

The conference substitute expanded the list of U.S. foreign policy and national security statutes cited in the Senate provision, and created new authorities for arms export control enforcement and coordination. The conference agreement required the President to develop standards for identifying high risk exports to enable regular end-use verification, and authorized the Secretary of State and Office of Munitions Control of the Department of State to obtain computer equipment, hire contract personnel, and to request additional personnel from the Departments of Defense and Treasury to assist in the screening and review of export licenses.

—The committee adopted an amendment offered by Senator Helms which would prohibit the use of funds authorized by this act for international first class air travel for congressional staff members, with the exception of any staff member accompanying a Member of Congress travelling first class or if no other means of air travel is available. The conference substitute deleted this provision.

—Senator Moynihan proposed an amendment from the Senate floor suggesting that the President should invite the President of Israel to make a state visit to the United States. The Senate agreed to the amendment by voice vote, but the provision was deleted in the conference agreement. Conferees noted that the President of Israel had recently made such a state visit.

AUTHORIZATION FOR THE ARMS CONTROL AND DISARMAMENT AGENCY

H.R. 2689, the Arms Control and Disarmament Amendments Act of 1961, amended the Arms Control and Disarmament Act of 1961 to provide for the authorization of $29 million for fiscal year 1988 for the Arms Control and Disarmament Agency (ACDA), an amount $3.7 million less than the Administration's request. Of the amount authorized, the bill earmarked: $7.053 million in fiscal year 1988 to support the arms control negotiations conducted with the Soviet Union on strategic arms reduction held in Geneva, Switzerland; $2.6 million in fiscal year 1988 to support the Reduced Enrichment in Research and Test Reactors Program; and $310,000 in fiscal year 1987 for the Agency's Visiting Scholars Program.

The bill also contained a number of provisions pertaining to reporting requirements. First, the bill required the President to submit to Congress an annual report on the activities of the United States-Soviet Union's Standing Consultative Commission established under the Treaty on the Limitation of Anti-Ballistic Missile Systems. Second, the bill revised existing requirements for the annual report on adherence to arms-control agreement to include information on action taken by the Soviet Union with regard to the size, structure, and disposition of its military forces in order to comply with such agreements. Third, the bill required the Director of the ACDA to submit annually to Congress a comprehensive list of research, development, and other arms control and disarmament studies.

On March 26, 1987, the Chairman of the Foreign Relations Committee, Senator Pell, introduced at the Administration's Request, S. 859, a bill to extend the authorization of the Arms Control and Disarmament Agency. On March 24, 1987, the committee held a hearing on the Administration's request, during which testimony was received from the Director and other officials of the Agency. The Committee met on May 15, 1987, to mark up the authorization bill, and ordered an original bill, S. 1498, reported in lieu of S. 859, by voice vote.

On July 22, 1987, the Senate incorporated S. 1498 as an amendment to a companion measure, H.R. 2689, striking all after the title and inserting the text of S. 1498. (H.R. 2689 had passed the House, by voice vote, on June 29, 1987.) H.R. 2689, as amended, passed the Senate on July 22, 1987, by voice vote.

On December 8, 1987, the House considered the Senate amendment to H.R. 2689, and in lieu of the Senate revision, inserted the following provisions by unanimous consent. In addition to the Senate's one-year authorization for the ACDA of $29 in fiscal year 1988, the House amendment provided a second-year authorization of $29.8 million for fiscal year 1989. Of the amounts authorized for each fiscal year, the House amendment earmarked: $7.063 million to pay only for necessary expenses incurred with arms control negotiations; not less than $310,000 to be made available for the Agency's visiting scholars program; and $780,000 for external research to assist the Bureau of Verification and Intelligence in making assessments with respect to new systems, devices, and capabilities for verification of arms control agreements. The House amendment also placed a ceiling limitation of $3 million for all external research, with a limit of $1.56 million on any single research program (which referred to the redued enrichment in Research and Test Reactor program).

With regard to annual reports, the House version retained the same reporting requirements as the Senate version, but added an additional requirement that the Director of the ACDA conduct a study to determine how the Standing Consultative Committee could be used more effectively to resolve compliance issues. Finally, the House amendment directed the State Department inspector general to serve as the inspector general for ACDA, and to conduct a one-time survey of the security programs, procedures, and practices within ACDA and report his findings to the Agency's Director.

On December 10, 1987, the Senate received H.R. 2689, as amended by the House, and on December 12, 1987, agreed to the House amendment by voice vote. H.R. 2689 was signed by the President on December 24, 1987, and became Public Law 100-213.

APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO THE ORGANIZATION OF CARIBBEAN STATES

H.R. 4162 amended section 11 of the International Organizations Act to extend limited diplomatic privileges, exemptions and immunities to the Organization of Caribbean States.

Having passed the House on May 17, 1988 by voice vote, H.R. 4162 was received in the Senate on May 18, 1988. The measure was referred to the Senate Foreign Relations Committee on May 19, 1988, and was reported out of committee on June 21, 1988, without amendment or written report. The Senate agreed to H.R. 4162 on June 23, 1988, by voice vote. H.R. 4162 became Public Law 100-362 on July 6, 1988.

3. Miscellaneous Laws

IMPOSITION OF SANCTIONS AGAINST COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

S. 1282 required the Secretary of State to transmit annually to Congress a list of countries repeatedly providing support for acts of international terrorism, and required imposition within 30 calendar days of certain sanctions against countries named in this terrorist report.

S. 1282 specified that the sanctions imposed against such terrorist countries include: termination of all U.S. assistance; increased duty or termination of technology imports and other goods produced, grown, or manufactured in such country; denial of duty-free tariff treatment under the Generalized System of Preferences; termination of any U.S. air or sea transportation agreement with such country; U.S. opposition of loans or other funds for that country by international financial institutions; a Presidential prohibition on the transfer of U.S. property or credit in which such country has a national or financial interest; and denial of income tax credits for the amount paid or accrued to such country by U.S. taxpayers.

S. 1282 also allowed the President to remove these sanctions upon determination that the national interests of the United States or humanitarian interests dictate otherwise, and to either partially or completely remove such sanctions upon certification to Congress that an emergency situation exists. S. 1282 provided that Congress could disapprove the President's determination by enactment of a joint resolution within 30 legislative days, and specified the procedure for congressional review of Presidential determinations required under this Act.

S. 1282 was introduced on May 28, 1987, by Senator Lautenberg for himself and Senators Kerry, Grassley, Mikulski, Simon, and Proxmire, and was referred to the Foreign Relations Committee on the same day. On October 15, 1987, the Subcommittee on Terrorism, Narcotics and International Operations held a public hearing pertaining to the bill. Certain provisions of S. 1282 were subsequently incorporated in the Fiscal Year 1988 Continuing Resolution, which became Public Law 100-202.

BILATERAL NARCOTICS AGREEMENTS WITH DRUG-PRODUCING OR DRUG-TRANSITING COUNTRIES

S. 1455 amended the Foreign Assistance Act of 1961, making ineligible for a Presidential waiver of limitations on foreign economic assistance, any country determined to be a major illicit drug-producing or drug-transiting country which had not agreed to enter into a bilateral narcotics agreement with the United States. S. 1455 specified that under the terms of such bilateral narcotics agreements, drug-producing and drug-transiting countries would agree to: take specific actions to reduce drug production, consumption, and trafficking within its territory; cooperate with U.S. drug enforcement officials; and participate in extradition treaties and mutual legal assistance provisions directed at money laundering, sharing of evidence, and other cooperative drug enforcement initiatives.

S. 1455 was introduced by Senator Chiles on June 30, 1987, and was referred to the Foreign Relations Committee on the same day. The measure was subsequently incorporated as part of H.R. 5210, the Omnibus Drug Bill, which passed the Senate on October 14, 1988, by a vote of 87-3. H.R. 5210 was signed by the President on November 18, 1988, and became Public Law 100-690.

USIA FILM DISTRIBUTION

H.R. 3428 required the Director of the U.S. Information Agency to provide for the distribution within the United States of the film entitled "America The Way I See it." H.R. 3428 passed the House by voice vote on October 19, 1987, and was received in the Senate on October 20, 1987. The Committee on Foreign Relations reported the bill without amendment or written report on November 3, 1987. H.R. 3428 passed the Senate by voice vote on the following day, and became Public Law 100-167 on November 17, 1987.

CONGRATULATING THE KING OF THAILAND

House Joint Resolution 412 expressed the congratulations of Congress to His Majesty King Bhumibol Adulyadej of Thailand on the occasion of his 60th birthday. Having passed the House by voice vote on December 3, 1987, H.J. Res. 412 was received in the Senate on December 4, 1987, and was agreed to by voice vote on the same day. H.J. Res. 412 was signed by the President on December 17, 1987, and became Public Law 100-194.

RESTORATION OF A FREE AND INDEPENDENT CAMBODIA

House Joint Resolution 602 declared that the highest priority of the United States, and all parties seeking a negotiated settlement to the conflict in Cambodia, should be the restoration of a free and independent Cambodia protected from a return to power by the genocidal Khmer Rouge. The resolution specifically called on the Socialist Republic of Vietnam to fully withdraw its armed forces from Cambodia, and for all nations to recognize the territorial integrity of Cambodia. The measure also stated that the United States, in conjunction with member nations of the Association of South East Asian Nations (ASEAN), should continue to provide assistance to the non-Communist Cambodian forces; to hold accountable under international law those responsible for acts of genocide and violations of internationally recognized human rights; and to consider whether the convening of an international conference on Cambodia and the provision on an international peacekeeping force could facilitate a negotiated settlement, supervision of the withdrawal of Vietnamese forces, and the holding of free and fair elections in Cambodia. The resolution further called on the United States to ensure that refugee camps controlled by the Khmer Rouge are opened for inspection by international organizations, and to urge those nations providing support to the Khmer Rouge to halt immediately the flow of arms and military equipment.

Having passed the House on August 8, 1988 by voice vote, H.J. Res. 602 was received in the Senate on August 10, and referred to the Senate Foreign Relations Committee on the same day. The Committee reported the measure to the full Senate on September 14, without amendment or written report. H. J. Res. 602 passed the Senate on September 16, 1988 by voice vote. H.J. Res. was signed by the President on October 18, 1988, and became Public Law 100-502.

PERMISSION TO EMIGRATE FROM THE SOVIET UNION

House Joint Resolution 376 called upon the Soviet Union to grant to all who wish to join spouses in the United States permission to emigrate with their family members, and urged that special consideration be given to those cases that have remained unresolved for many years. H.J. Res. 376 was identical to S.J. Res. 203 introduced by Senator D'Amato on October 15, 1987.

Having passed the House on November 17, 1987, by a vote of 414-0, H.J. Res. 376 was received in the Senate on November 19, 1987. The resolution passed the Senate on December 4, 1987, by voice vote, without referral to committee and with an amendment pertaining to the renaming of the Clarks Hill Dam, Reservoir, and

Highway. On December 18, 1987, the House concurred by voice vote to the Senate amendment, with an additional House amendment, and the Senate agreed to the House amendment by voice vote on December 19, 1987. H.J. Res. 376 was signed by the President on December 23, 1987, and became Public Law 100-209.

REUNIFICATION OF DIVIDED FAMILIES BETWEEN CITIZENS OF THE UNITED STATES AND THE SOVIET UNION

House Joint Resolution 430 called upon the Soviet Union, as a signatory of the Final Act of the Conference on Security and Cooperation in Europe, to immediately grant permission to emigrate to all those who wish to join spouses or fiances in the United States. The resolution welcomed the recent granting by the Soviet Union of permission to emigrate to several Soviet citizens divided from their American families. The resolution further urged the Soviet Union to give special consideration to cases that have remained unresolved for many years.

H.J. 430 passed the House on December 18, 1987, and was received in the Senate on the same day. The Senate agreed to the resolution by voice vote on December 19, 1987, without amendment or referral to committee. H.J. 430 was signed by the President on December 29, 1987 and became Public Law 100-222.

DEPLORING SOVIET PERSECUTION OF RELIGIOUS BELIEVERS IN THE UKRAINE

Senate Joint Resolution 235 deplored the Soviet Government's active persecution of religious believers in the Ukraine, and forcible liquidation of the Ukrainian Orthodox and Ukrainian Catholic Churches. The resolution conveyed greetings from the Congress to the Ukrainian people as they celebrate the Millennium of Christianity in Kievan Rus', but discouraged official U.S. participation in the Millennium ceremonies so long as the Soviet Government continues its practice of religious persecution and imprisonment. The resolution further urged the U.S. Government to continue to speak out forcefully against violations of religious liberty throughout the Soviet Union, and called upon the Soviet Government to abide by its international commitments to release all those imprisoned for their religious beliefs and to legalize the aforementioned Ukrainian Christian churches.

S.J. Res. 235 was introduced by Senator DeConcini on December 17, 1987 and was ultimately cosponsored by 38 Senators. The Senate Foreign Relations Committee reported the resolution on May 3, 1988, without amendment or written report. S.J. Res. 235 passed the Senate on March 4, 1988 by voice vote, and was sent to the House on March 8, 1988. The resolution passed the House on April 19, 1988 by voice vote, without amendment. S.J. Res. 235 was signed by the President on May 2, 1988 when it became Public Law 100-305.

COMMISSION ON THE UKRAINE FAMINE

S. 2304 amended section 3(2) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act of 1986 to extend the life of the Commission on the

Ukraine Famine until June 22, 1990. S. 2304 was introduced by Senator Bradley for himself and Senators DeConcini and Kasten on April 21, 1988, the day before the Commission's mandate was scheduled to expire. The Senate passed the resolution on the same day by voice vote, without amendment or referral to committee.

S. 2304 was sent to the House on April 25, 1988. The House approved the measure on May 24, 1988 by voice vote, with an amendment stating how vacancies in the Commission should be filled. The Senate agreed to the House amendment by voice vote on June 7, 1988. S. 2304 was presented to the President on June 10, 1988, and became Public Law 100-340.

COMMEMORATING THE BICENTENNIAL OF THE FRENCH REVOLUTION

Senate Joint Resolution 317 extended to the people of France an expression of friendship on the occasion of the bicentennial of the French Revolution, and urged the people of the United States to observe such bicentennial. The resolution reaffirmed that France and the United States remain committed to the principles of the Declaration of the Rights of Man and of the Citizen, and the Bill of Rights of the United States, respectively, and directed that these historic documents be printed as a Senate document. The measure further provided for additional copies to be printed as bound volumes to be presented to specified French officials, as well as extra copies for the Senate Foreign Relations Committee.

Senator Pell introduced S.J. Res. 317 for himself and Senator Lugar on May 12, 1988. The Committee on Foreign Relations reported the measure to the full Senate on June 21, 1988, without amendment or written report. S.J. Res. 317 passed the Senate on June 23, 1988 by voice vote.

S.J. Res. 317 was received in the House on June 27, 1988, and was referred to the House Foreign Affairs Committee. The Foreign Affairs Committee amended the measure on September 14, 1988 by deleting a sense of the Congress that, in the future, issues affecting human rights will be further illuminated by the International Foundation on Human Rights. The House passed S.J. Res. 317, as amended, on September 20, 1988 by voice vote.

The Senate agreed to the House amendment on September 23, 1988 by voice vote. The measure was presented to the President on September 30, 1988 and became Public Law 100-482 on October 11, 1988.

COMMENDING THE STATE OF ISRAEL

House Joint Resolution 541 commended the people of Israel on the occasion of the 40th anniversary of the reestablishment and independence of the State of Israel. The resolution further praised the people of Israel for their achievements in democracy, and reaffirmed the bonds of friendship and cooperation between the United States and the State of Israel. H.J. Res. 541 passed the House on April 21, 1988 by voice vote, and was received in the Senate on April 22, 1988. The Senate agreed to H.J. Res. 541 on the same day by voice vote, without amendment or referral to committee. It became Public Law 100-311 when the President signed H.J. Res. 541 on May 6, 1988.

IRAN-IRAQ CEASE-FIRE

House Joint Resolution 216 declared the support of the Congress for a cease-fire and a negotiated agreement to the Iran-Iraq war. The measure stated that the continuation of the Iran-Iraq war was incompatible with the humanitarian concerns and values of the American people, and a threat to the stability of the region and U.S. strategic interests. The resolution further expressed the sense of the Congress that if either party to the Iran-Iraq war rejects peace negotiations and an internationally recognized cease-fire, the United States should support internationally approved measures against that country.

The Senate received H.J. Res. 216 on July 14, 1987, after its passage in the House on the previous day. The measure was not referred to committee but considered by the full Senate on August 7, 1987. Senators Pell and Murkowski of the Foreign Relations Committee managed the floor debate. The Senate passed H.J. Res. 216 on the same day by a vote of 96–0. The resolution was signed by the President on August 18, 1987, and became Public Law 100–96.

INTERNATIONAL COOPERATION TO PROTECT BIOLOGICAL DIVERSITY

House Joint Resolution 648 expressed support for the United States' efforts to initiate discussions to develop an international agreement to preserve biological diversity, and called upon the President to continue exerting U.S. leadership to achieve the earliest possible negotiation of an international convention to conserve the Earth's biological diversity. The resolution further required the President, not later than one year after the date of enactment, to submit a report to Congress on progress toward negotiating this international convention. Having passed the House by a vote of 398–0 on September 22, 1988, H.J. Res. 648 was received in the Senate on September 23, 1988, and referred to the Senate Foreign Relations Committee on the same day. The committee reported the measure on September 27, 1988, with a preamble and without written report. H.J. Res. 648 passed the Senate by voice vote on October 7, 1988, without amendment. The resolution was signed by the President on October 25, 1988, and became Public Law 100–530.

CORRECTING POLLUTION OF THE RIO GRANDE

H.R. 2046 authorized the Secretary of State, acting through the U.S. Commissioner to the International Boundary and Water Commission between the United States and Mexico, to conclude agreements with the appropriate representatives of the Government of Mexico to correct pollution of the Rio Grande.

H.R. 2046 specified that the United States-Mexico agreements should include recommendations concerning: facilities that should be constructed and operated in each country; cost estimates of these facilities; the division of such costs between the United States and Mexico; and commencement and completion dates for the construction of these facilities.

The bill provided for appropriations to fund the United States share of the facilities costs recommended in the United States-Mexico agreements, and required the Secretary to consult with the

Environmental Protection Agency and other concerned Federal, State, and local government officials in implementing this act.

H.R. 2046 passed the House on October 19, 1987, by voice vote, and on the following day was received in the Senate where it was referred to the Foreign Relations Committee. The committee reported the bill on September 14, 1988, without written report. The bill passed the Senate on September 19, 1988, by voice vote, without amendment. H.R. 2046 was signed by the President on October 3, 1988, and became Public Law 100-465.

INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

S. 2204 provided for implementation of the Inter-American Convention on International Commercial Arbitration by U.S. courts. As originally introduced, the bill authorized U.S. courts to direct the use of arbitration and to appoint arbitrators in accordance with the provisions of the Convention. The bill specified that arbitral decisions or awards made by a foreign State shall, on a reciprocal basis, be recognized and enforced only if that State has ratified or acceded to the Convention. In cases where the requirements of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958 are met, the Inter-American Convention shall apply to those cases in which a majority of the parties involved are citizens of the States that have ratified or acceded to the Convention and are member States of the Organization of American States. In the event that the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended, the Secretary of State, consistent with the purposes of the Convention, may prescribe that such changes shall be effective.

Senator Pell introduced S. 2044 on March 22, 1988, at the request of the Reagan Administration. The Committee on Foreign Relations reported the measure on September 27, 1988, with an amendment specifying that enforcement of arbitral agreements or awards shall not be refused on the basis of the Act of State doctrine. The Committee amendment was designed to ensure that neither Act of State doctrine nor the doctrine of sovereign immunity shall be used to frustrate an arbitration agreement or enforcement of an arbitration award entered against a foreign state. The amendment further provided for jurisdiction in U.S. courts over foreign States in the enforcement of arbitration agreements in certain specified situations. The language incorporated in the Committee amendment was essentially the same as that of H.R. 1689 introduced by Rep. Fish on March 18, 1987, and title II of H.R. 3763 passed by the House on August 8, 1988. As amended by the Committee, S. 2204 passed the Senate on September 30, 1988 by voice vote, and was referred to the House on October 3, 1988.

The House Judiciary Committee amended S. 2204 by stripping all provisions contained in the original bill, and retaining only the amendment language incorporated by the Senate Foreign Relations Committee. S. 2204 passed the House as amended on October 21, 1988, by a vote of 356-0. The Senate agreed to the House amendment on October 22, 1988 by voice vote. S. 2204 was signed by the President on November 16, 1988, and became Public Law 100-669.

OVERTURNING UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 3379

Senate Joint Resolution 205 recommended that the United States Government should support efforts to overturn United Nations General Assembly Resolution 3379. S.J. Res. 205 declared that U.N. Resolution 3379—which equates Zionism with racism—is inconsistent with the United Nations Charter, remains an unacceptable misrepresentation of Zionism, and has served to escalate religious animosity and to hinder a Middle East settlement. Senator Moynihan introduced S.J. Res. 205 for himself and 33 cosponsors on October 20, 1987. The Senate referred the measure to the Foreign Relations Committee on October 20, but discharged the committee from further consideration on October 23, 1987. S.J. Res. 205 passed the Senate on October 23, 1987 by voice vote, without amendment. On November 4, 1987, S.J. Res. 205 was sent to the House where it passed on November 9, 1987, by a vote of 394-0. The measure was presented to the President on November 10, 1987, and became Public Law 100-169 on November 17, 1987.

C. RESOLUTIONS AGREED TO

Concurrent and Senate Resolutions:	
Referred to committee	133
Original resolutions from committee	3
Total	136
Reported	26
Became public law	[1] 30

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[1] In addition, there were 57 resolutions which were agreed to without referral to committee.

1. Africa

Atrocities in Burundi.—House Concurrent Resolution 371 condemned the recent violence against innocent Burundi citizens, and urged the Government of Burundi to increase its efforts toward national reconciliation. The resolution urged the United States President and Secretary of State to press for a negotiated, nonviolent reform of Burundi's historical inequities; and to conduct a comprehensive reassessment of United States bilateral relations with the Government of Burundi, unless efforts have been made by that government to investigate and prosecute those responsible for the recent atrocities and to promote the safe return of Burundi refugees. The measure further urged the President and Secretary of State to suspend United States assistance (other than humanitarian aid) and to oppose World Bank loans to Burundi unless, within 1 year of the date of enactment, the Government of Burundi has made substantial progress in advancing internal reform of its military and civil administration, and reversing patterns of ethnic discriminations against the majority of Hutu.

H. Con. Res. 371 passed the House on October 6, 1988, by a vote of 415-0. The measure was received in the Senate on the same day, and referred to the Senate Foreign Relations Committee. On October 7, 1988, the committee was discharged from further consideration of H. Con. Res. 371, and the resolution was agreed to in the Senate by voice vote and without amendment.

2. ASIA

Support for the Philippine Government.—Senate Resolution 103 declared that the Senate reaffirmed U.S. support for Philippine President Corazon C. Aquino on the occasion of the approval of the new Philippine constitution. The resolution further commended President Aquino and the Philippine Government for progress toward democracy and continued commitment to economic, political and military reform in the Philippines. On February 5, 1987, Senator Kennedy introduced S. Res. 103 for himself, Messrs. Byrd, Dole, Pell, and Cranston. The measure was ultimately cosponsored by 10 Members, including Messrs. Murkowski and Kerry of the Foreign Relations Committee. The Senate agreed to S. Res. 103 on February 19, 1987 by a vote of 98-0, without referral to committee.

Expressing Support for President Aquino and the Philippine Government.—Senate Resolution 282 expressed the sense of the Senate regarding the attempted overthrow of the Philippine Government and the efforts of President Corason Aquino to maintain democracy in the Philippines. The measure congratulated the people and the loyal military of the Philippines for stopping the attempted overthrow, renewed the Senate's support for the work of President Aquino in developing democratic institutions, encouraged continued U.S. military and economic assistance, noted current U.S. law that requires the suspension of American aid if an elected head of the Philippine Government were to be deposed by military coup or decree, and urged the Philippine Government to increase efforts to deal with problems of corruption within the Government.

Senator Byrd, together with 10 cosponsers, introduced S. Res. 282 on September 11, 1987. The Senate agreed to the resolution on the same day by a vote of 73-0, without amendment or referral to committee.

Release of Political Prisoners by the Vietnamese Government.—Senate Resolution 205 declared that the Socialist Republic of Vietnam should release all political prisoners interned as a result of their previous association with the Government of South Vietnam prior to 1975. The measure further stated that the Vietnam should enter into negotiations regarding the humane resettlement abroad of such political prisoners, and resume processing family reunification cases under the United Nations High Commissioner for Refugees' Orderly Departure Program. Senator Kennedy submitted S. Res. 205 on May 1, 1987 for himself and 6 cosponsors, including Messrs. Pell and Helms of the Foreign Relations Committee. The Senate agreed to the resolution on the same day by voice vote, without referral to committee.

Support for the Evolution of Democracy in Korea.—Senate Resolution 241 expressed the sense of the Senate supporting peaceful evolution toward full democratic government and the establishment of fair and free elections in the Republic of Korea. The resolution found that the necessary conditions for democracy and free elections in Korea include flexibility and fairness, renunciation of violence, and adherence to internationally recognized standards of human rights. The measure also recognized President Chun Doo Hwan's commitment to initiate the first peaceful transition of executive power in Korea's history, and declared that such a peaceful transfer of power is endangered by inability to agree on democratic reform. S. Res. 241 further called on all parties in Korea to resume the search for peaceful agreement on democratic reform, and stated that the President of the United States should facilitate such dialogue and negotiations.

Senator Deconcini introduced S. Res. 241 for himself, Senator Cranston and 11 other cosponsors on June 26, 1987. On June 27, 1987, the Senate passed S. Res. 241, by a vote of 74–0, without referral to committee. Senators Deconcini and Murkowski managed floor debate, with the support of Senators Pell and Helms of the Foreign Relations Committee.

1988 Summer Olympic Games.—Senate Resolution 462 expressed the sense of the Senate concerning the 1988 Summer Olympic Games in Seoul, South Korea. The measure noted the friendship between the Republic of Korea and the United States and expressed the Senate's support for the selection of Seoul as the site the Games. The resolution further urged North Korea to participate in the Olympics as an important gesture in the reduction of tensions in the region. Senator Bond introduced S. Res. 462 on August 10, 1988, on behalf of himself and 15 cosponsors. The Senate agreed to the measure by voice vote on the same day, without amendment or referral to committee.

Support for the 1988 Seoul Olympic Games.—House Concurrent Resolution 348 paid tribute to the close relations between the Republic of Korea and the United States, and expressed whole hearted support for the choice of Seoul as the host city for the 1988 Summer Olympic Games. The resolution further commended the Seoul Olympic Organizing Committee for the measures they have taken to ensure the safety and soundness of Olympic athletes and visitors, and commended all member nations which announced their intention to participate in the 1988 Seoul Olympic Games. H. Con. Res. 348 passed the House on September 15, 1988 by voice vote, and was received in the Senate on September 16, 1988. The measure passed the Senate on the same day, without amendment or referral to committee.

Negotiations to Resolve Americans Missing in Action in Southeast Asia.—Senate Resolution 255 expressed the support of the Senate for General Vessey in negotiations with Vietnam to resolve the fate of Americans missing in action in Vietnam, to facilitate the return of recoverable remains of those deceased missing in action, and to discuss remaining humanitarian issues. As agreed to, the measure further called on Vietnam to respond positively to the concerns of the American people in a humanitarian context. Senator McCain introduced S. Res. 255 for himself, Messrs. Nunn and Durenberger on July 24, 1987. The resolution was ultimately cosponsored by 29 Members, including eight Members of the Foreign Relations Committee. The Senate agreed to S. Res. 255 on July 28, 1987 by a vote of 92–0, without referral to committee.

Concern Over the Situation in Fiji.—Senate Resolution 302 deplored the creation of a political system in Fiji based on ethnic identity, and expressed Senate support for a rapid return to democratic constitutional government in Fiji. The resolution further urged vigorous diplomatic efforts and continued cessation of U.S. foreign assistance to Fiji until the current government of Fiji returns to a constitutional and democratic government.

S. Res. 302 was introduced by Senator Pressler for himself and Senator Kerry on October 23, 1987, and was referred to the Committee on Foreign Relations. The Committee reported the resolution on December 17, 1987 with an amended preamble and an amendment in the nature of a substitute, and without written report.

In a floor statement, Senator Pressler supported passage of S. Res. 302 and urged Senate denunciation of the abolition of democracy under Fiji's current military regime. S. Res. 302 passed the Senate as amended on December 18, 1987, by voice vote.

Condemnation of Human Rights Abuses in Burma.—Senate Resolution 464 expressed Senate condemnation of the killings, mass arrests, and denial of human rights in the Socialist Republic of Burma. The resolution also voiced Senate support for the return to democracy and an end to one-party rule in Burma. Senator Moynihan submitted the resolution for himself and 29 cosponsors on August 11, 1988. The measure was referred to the Senate Foreign Relations Committee on August 11, and the committee was discharged from further consideration on the same day. The Senate passed S. Res. 464 on August 11, 1988 by voice vote, without amendment.

Commending Humanitarian Treatment of Southeast Asian Refugees.—House Concurrent Resolution 303 commended the Governments of Thailand, Hong Kong, Malaysia, the Philippines, and Indonesia for their history of humanitarian treatment of refugees; urged the Government of Thailand to end its policy of interdiction of arriving refugee boats and to reinstitute its former policy of first asylum; and commended the Government of Hong Kong for its screening process to identify internationally acceptable refugees, and urged that Government and other member countries of the Association of Southeast Asian Nations (ASEAN) to maintain their policies of first asylum.

H. Con. Res. 303 encouraged the United States and other Western nations to alleviate the burdens of ASEAN countries by maintaining generous resettlement policies, and urged the United States to participate with United Nations High Commissioner for Refugees and ASEAN member countries in preparation for a new international conference on Indochinese refugees. The measure specifically commended the United States President for his decision in fiscal year 1988 to increase the overall number of refugees to be admitted to the United States and urged the President and the Department of State to make every effort to admit the full number of Southeast Asian refugees established in consultation with Congress each year.

H. Con. Res. 303 further stated that the governments of the Indochina region should cease their policies of repression which cause the continued movement of refugees out of those countries. It urged the Government of Vietnam to cease immediately its occupation of Cambodia, to expand the Orderly Departure Program, and to issue exit permits to Vietnamese individuals who have letters of introduction from the United States or are former reeducation camp members.

Having passed the House on October 6, 1988 by voice vote, the measure was received in the Senate on the same day. H. Con. Res. 303 was agreed to in the Senate on October 12, 1988 by voice vote, without amendment or referral to committee.

Congratulating the King of Tonga.—House Concurrent Resolution 319 extended the congratulations of Congress to King Taufa'ahau Tupou and the people of Tonga on the occasion of the King's 70th birthday, the 21st anniversary of the King's coronation, and the centennial of the Treaty of Amity, Commerce and Navigation between that country and the United States. The resolution further stated that the United States should continue close and friendly relations with the Kingdom of Tonga. H. Con. Res. 319 passed the House on June 30, 1988, and was received in the Senate on July 6, 1988. The resolution was agreed to in the Senate by voice vote on the following day, without amendment or referral to committee.

Situation in Afghanistan.—Senate Resolution 31 renewed Senate condemnation of the Soviet invasion and occupation of Afghanistan against the will of the Afghan people, and urged the complete withdrawal of Soviet forces. The resolution found that recent Soviet representation concerning withdrawal of Soviet troops did not reflect genuine reductions in the Soviet occupation force, and that offers of a cease-fire and a government of national reconciliation have failed to provide an acceptable settlement and should be spurned by the Afghan resistance. The resolution declared that the only acceptable settlement of the situation in Afghanistan is one which results in a government representative of the Afghan people, and also reconfirmed Senate commitment to support the people of Afghanistan through the provision of material support. The measure further urged the Secretary of State to take specified actions to encourage Soviet military withdrawal and a peaceful political settelment acceptable to the people of Afghanistan.

Senator Byrd introduced S. Res. 31 for himself, Senators Dole, Humphrey, Moynihan, Burdick, and 10 other cosponsors on January 6, 1987. The Senate agreed to the measure on the same day by a vote of 92–0, without referral to Committee.

United States Policy Toward Afghanistan.—Senate Resolution 386 expressed the sense of the Senate concerning United States policy toward Afghanistan and the withdrawal of Soviet troops from that country. The resolution reiterated the belief of the Senate that the only acceptable formula for settlement of the Afghan situation is one which provides self-determination and a government genuinely representative of the Afghan people, outlines a definite timetable for the complete withdrawal of all Soviet troops and advisors, and provides for the safe return of Afghan refugees. The measure also expressed the strong sense of the Senate that the United States should increase humanitarian assistance to the Afghan people both during and following the withdrawal of Soviet forces from Afghanistan, and should not cease, diminish or otherwise restrict assistance to the Afghan resistance until the Soviet military occupation of Afghanistan has been terminated. The resolution further urged the President to address in bilateral discussions with the Soviet Union certain specified conditions for a political settlement acceptable to the Afghan resistance and for the withdrawal of Soviet forces from Afghanistan.

Senator Byrd introduced the resolution for himself and 11 cosponsors on February 29, 1988. The Senate passed S. Res. 386 on the same day by a vote of 77–0, without amendment or referral to committee.

U.S. Assistance to Pakistan.—Senate Resolution 266 expressed the sense of the Senate supporting the President's efforts to gain Pakistan's compliance with its past commitments not to produce weapon-grade nuclear material. S. Res. 266 also urged the President to inform Pakistan that verifiable compliance with past commitments is vital to any further U.S. assistance. The measure further encouraged an agreement by India and Pakistan to accede to the Nuclear Non-Proliferation Treaty, accept International Atomic Energy Agency safeguards, allow mutual inspection of one another's installations, renounce nuclear weapons by joint declaration, and establish a nuclear weapons free zone in the sub-continent. Senator Glenn introduced S. Res. 266 for himself and 18 cosponsors on July 23, 1987. The Senate agreed to the measure on the same day by voice vote, without referral to committee.

Ambassador Arnold Raphel and General Herbert Wassom.—Senate Resolution 467 expressed the Senate's deepest sympathies to the families of Ambassador Arnold Lewis Raphel and Brig. Gen. Herbert Marion Wassom, who were killed while actively promoting the long-standing commitment of the United States to the security and independence of Pakistan. S. Res. 467 was introduced on September 8, 1988 by Senator Byrd for himself and Senators Dole, Humphrey, Pell, Helms, and Boschwitz. The Senate agreed to the resolution on the same day by voice vote, without amendment or referral to committee.

Death of President Mohammad Zia Ul-Haq of Pakistan.—Senate Resolution 468 expressed the deepest sympathies of the Senate to the family of President Zia and to the people of Pakistan over the death of President Mohammad Zia ul-Haq. The measure also reaffirmed the commitment of the United States to the security and independence of Pakistan. It also welcomed the commitment of Pakistan's new President, Ghulam Ishaq Khan, to follow the constitutional process, to proceed with free and fair elections, and to continue that country's support for the Afghan refugees. S. Res. 468 was introduced by Senator Byrd for himself and 13 cosponsors on September 9, 1988. The resolution passed the Senate on the same day by a vote of 85–0, without amendment or referral to committee.

3. EUROPE

Emigration of Igor V. Ogurtsov.—Senate Resolution 98 expressed the sense of the Senate that the President, through the Secretary of State, should urge the Soviet Union to release Igor Ogurtsov from internal exile and allow him to emigrate to the West in accordance with the Final Act of the Conference on Security and Cooperation in Europe, and the Universal Declaration of Human Rights. Senator Riegle introduced S. Res. 98 for himself and 28 cosponsors on February 3, 1987. The Foreign Relations Committee reported the resolution on March 10, 1987. The Senate agreed to S. Res. 98 on March 11, 1987, by voice vote.

Unrestricted Contact Between American Citizens and Their Relatives in the Soviet Union.—House Concurrent Resolution 68 expressed the sense of Congress that the promotion of unrestricted family visits between related persons of the United States and the Soviet Union is an essential part of U.S. policy toward the Soviet Union, and that the President, Secretary of State, and other Administration officials should raise the issue of family visits, where appropriate, in discussions with officials of the Soviet Union. Having passed the House on October 27, 1987, by unanimous vote, H. Con. Res. 68 was received in the Senate on October 28, 1987, and was agreed to by voice vote on November 4, 1987, without amendment or referral to committee.

Freedom of Religion and Human Rights in Lithuania.—Senate Resolution 232 deplored Soviet denial of religious liberty and other human rights in Lithuania and elsewhere. The measure acknowledged the six hundredth anniversary of Christianity in Lithuania and voiced Senate support for those Lithuanians who are persecuted for attempting to exercise freedom of religion. The measure further urged the President and other officials to speak out against violations of religious liberty everywhere and specifically in Lithuania, and called upon the Soviet Union to abide by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe. Senator Riegle introduced S. Res. 232 for himself, Senators D'Amato and Simon on June 11, 1987. The Foreign Relations Committee reported S. Res. 232 without amendment or written report on June 30, 1987. The Senate agreed to the resolution on July 1, 1987 by voice vote.

Soviet Control of the Cathedral in Vilnius, Lithuania.—Senate Resolution 385 expressed Senate concern over the continued control of the Vilnius Cathedral by the Soviet Government, and voiced support to the Lithuanian people in their efforts to secure fundamental religious rights and the return of the cathedral to the Roman Catholic Church. The measure further called upon the President, Secretary of State, and members of Congress to raise the issue of the return of the Vilnius Cathedral in meetings with Soviet officials, and directed U.S. representatives to speak out forcefully for such a return at international human rights forums. Senator Heinz introduced S. Res. 385 for himself and 19 cosponsors on February 26, 1988. The measure was referred to the Senate Foreign Relations Committee on the same day that it was introduced. The Committee reported the measure to the full Senate on September 14, without amendment or written report. S. Res. 385 passed the Senate on September 16 by voice vote, without amendment.

Soviet Union's Embassy in Washington, D.C.—Senate Resolution 261 expressed the sense of the Senate that the President should void current Embassy agreements with the Soviet Union and enter into negotiations for a new agreement relating to the site of the Soviet Union's Embassy in Washington, D.C. The resolution further stated that such site shall not be more than ninety feet above mean sea level. Senator Symms submitted S. Res. 261 on July 30, 1987, and the Senate agreed to it on the same day by voice vote, without referral to committee.

First Friendship Flight Between Alaska and Siberia.—Senate Resolution 439 congratulated the participants of the first friendship flight between Nome, Alaska and Provideniya, Siberia, U.S.S.R.; extended greetings from the people of the United States to their Soviet neighbors; and encouraged promotion of future peaceful interchanges between the United States and the Soviet Union. Senator D'Amato introduced S. Res. 439 on June 8, 1988 for himself and Senators Murkowski and Stevens. The Senate agreed to the resolution by voice vote on the same day, without amendment or referral to committee.

Romanian Human Rights Abuses.—Senate Resolution 461 condemned the Romanian Government for its human rights violations, particularly its planned destruction of traditional Hungarian agricultural villages. The measure further urged the Romanian Government to reform its human rights policies, and called on the President of the United States to make clear to the Romanian Government that restoration of that country's Most Favored Nation status or other favorable trading privileges should not be considered until such reforms have been implemented. Senator Lautenberg introduced S. Res. 461 for himself and 26 cosponsors on August 10, 1988. The resolution was agreed to in the Senate on the following day by a vote of 93-0, without amendment or referral to committee.

Recognition of Solidarity as a Legal Entity.—Senate Resolution 475 expressed the sense of the Senate that the Government of Poland should recognize the important contribution to that country made by the people of Poland acting through independent and voluntary unions, and should immediately confer legal and independent status upon the trade union Solidarity. Senator Dodd introduced S. Res. 475 for himself and Senators Murkowski, DeConcini, and Weicker on September 20, 1988. The measure was referred to the Senate Foreign Relations Committee on the same day, and was reported by the committee on September 27, 1988, with a preamble and without written report. The resolution was agreed to in the Senate by voice vote on October 7, 1988, without amendment.

Dialogue on the Economic Integration of European Communities.—Senate Resolution 491 expressed the sense of the Senate that the United States President should establish a bicontinental dialogue to discuss the implications of the economic integration of the European Communities for United States trade and investment. The resolution stated that, in this dialog, the United States should seek to obtain assurances that the European Communities will ensure market access for U.S. products; that integration of the European Communities is consistent with U.S. policy efforts to strengthen multilateral trade rules in the Uruguay Round; and that U.S. companies with European subsidiaries will be given the same, nondiscriminatory status as firms of the European Communities. On October 7, 1988, S. Res. 491 was submitted by Senator Hatfield on behalf of Senators Roth and Byrd. The Senate agreed to the resolution on the same day by voice vote, without amendment or referral to committee.

Tribute to Portuguese Diplomat Dr. De Sousa Mendes.—Senate Resolution 270 paid special tribute to Portuguese diplomat Dr. Aristides de Sousa Mendes do Amaral e Abranches for his extraordinary acts of service to humanity during World War II. The resolution requested the President of the United States to transmit a copy of the resolution to the President of the Republic of Portugal, and to the President of the Portuguese Assembly. S. Res. 270 was introduced by Senator Lautenberg on August 6, 1988 for himself and 34 cosponsors. The measure was referred to the Committee on Foreign Relations on the same day, and was reported to the full Senate on June 21, without written report and with a preamble. S. Res. 270 was agreed to in the Senate on June 23 by voice vote.

Congratulating the People of Berlin.—House Concurrent Resolution 86 congratulated the people of Berlin on the 750th anniversary of the city. The resolution further commended Berliners for their tradition and courage in the face of historical adversity, and recognized the deep and lasting relations between the people of Berlin and the people of the United States. The Senate Foreign Relations Committee received the resolution on April 6, 1987, following passage in the House on April 1, 1987. On April 9, 1987, the resolution was discharged from further committee consideration, and the Senate passed the measure by voice vote.

4. WESTERN HEMISPHERE

International Conference on Combatting Drug Trade in the Western Hemisphere.—Senate Resolution 442 expressed the sense of the Senate that the President of the United States should convene an International Conference on Combatting Illegal Drug Production, Trafficking, and Use in the Western Hemisphere. The resolution specified that such conference should involve the heads of state, highest-ranking law enforcement officers, and other appropriate officials from every government in the Western hemisphere; and should emphasize cooperative law enforcement efforts among these governments, including the sharing of intelligence information and extradition of drug traffickers. Senator Trible submitted S. Res. 442 for himself and 16 cosponsors on June 14, 1988. The resolution was referred to the Senate Foreign Relations Committee on the same day, and was reported to the full Senate on June 21. The Senate agreed to S. Res. 442 on June 23, 1988, by a vote of 94–0.

Support for the Establishment of Democracy in Haiti.—Senate Resolution 248 expressed the sense of the Senate supporting the people of Haiti in their efforts to establish democracy and to improve the human rights situation there. The resolution stated that Haiti's National Council of Government should abide by the decisions of the Provisional Election Council in conducting elections under the new Haitian constitution, and called upon the Haitian Armed Forces to respect human rights and refrain from violence.

On July 10, 1987, Senator Graham introduced S. Res. 248 for himself, Senators Kerry, Sanford, Durenberger, Deconcini and 14 additional cosponsors. The Committee on Foreign Relations' Subcommittee on Western Hemisphere and Peace Corps Affairs, chaired by Senator Dodd, held a hearing on the resolution on July 23, 1987. On July 28, the full committee adopted several perfecting amendments, introduced by Senator Dodd, which reiterated the conditions placed on U.S. economic and military assistance to Haiti, as specified by PL 99-529. The resolution was reported the following day without written report. The Senate agreed to S. Res. 248, as amended, on July 30, 1987, by voice vote.

During floor debate, Senator Symms introduced an amendment to S. Res. 248 expressing the sense of the Senate that the United States should void certain Embassy agreements with the Soviet Union relating to the site of the Soviet Embassy in Washington, D.C. After the proposal was subsequently withdrawn, Senator Pell requested that the issue be taken up as a freestanding resolution. Immediately following Senate consideration of S. Res. 248, the Senate considered and passed a resolution similar to the Symms amendment, S. Res. 261, on July 30, 1987, by voice vote.

Integrity of the Presidential Elections in Haiti.—Senate Resolution 330 expressed the sense of the Senate regarding the integrity of the presidential election process in Haiti. The resolution stated that the National Governing Council should take appropriate steps to bring to justice all those responsible for attacks of violence against officials of the Provisional Electoral Council, to provide security and protection for the Electoral Council and the presidential candidates, to provide adequate elections, and to protect the right of the Haitian people to participate in a free and fair election. The resolution further stipulated that the President should suspend all military assistance for the Government of Haiti if the President determines that the National Governing Council fails to take appropriate steps to protect the integrity of the presidential elections.

Senator Graham introduced S. Res. 330 on November 20, 1987 for himself and Senators Durenberger, Kennedy, Kerry, Chiles, Deconcini, Dodd, and Symms. The Senate agreed to the resolution on the same day by voice vote, without amendment or referral to committee.

Condemning the Government of Haiti for Election Collapse.—Senate Resolution 336 condemned the interim Government of Haiti for the violent collapse of the November 29, 1987 elections and failure to secure the safety of the Haitian people; expressed Senate support for the suspension of all non-humanitarian United States aid to Haiti; and urged the United States and all nations to cut off all assistance and sale of arms to the Government of Haiti while providing humanitarian assistance through private voluntary organizations. Senator Kennedy introduced the resolution for himself and 8 cosponsors on December 3, 1987. The Senate passed S. Res. 336 without amendment on December 4, 1987, by a vote of 90-0.

Restoration of Democracy in Haiti.—Senate Concurrent Resolution 149 expressed the sense of Congress that the resumption of economic or other assistance by the United States to the Government of Haiti should be linked to tangible actions by that government to embark upon a credible transition to democracy; to strictly observe human and civil rights; to reform a corrupt bureaucracy; to promote economic development; to improve cooperation with the U.S. in combatting narcotics trafficking; and to demonstrate the willingness of the Haitian military to submit to legally constituted civilian authority and abide by the Haitian Constitution. S. Con. Res. 149 expressed the further sense of Congress that government-to-government assistance to Haiti will not be resumed until a civilian government has been established through free, fair, and open elections. The resolution also declared the support of Congress for the people of Haiti in their struggle for democracy and economic development by directing the appropriate Senate committees to conduct hearings on legislative actions which will lead to free and fair elections in Haiti, including increased economic aid or the feasibility of additional sanctions.

S. Con. Res. 149 was introduced on September 30, 1988, by Senator Graham and 17 cosponsors. The measure passed the Senate on the same day by voice vote, without amendment or referral to committee. S. Con. Res. 149 was sent to the House on October 3, 1988, and was agreed to on October 6, 1988, by a vote of 415-0.

Support for the Evolution of Democracy and Human Rights in Panama.—Senate Resolution 239 expressed Senate support for the evolution of democracy and respect for human rights in Panama. The resolution urged the Government of Panama to respond to the points contained in the communique issued on June 17, 1987 by the Panamanian Episcopal Conference, including the restoration of suspended constitutional rights to the people of Panama. The resolution further stated that the Government of Panama should comply with internationally recognized human rights standards, allow an objective group of Panamanians to conduct an independent investigation into allegations against Panamanian civilian and military officers, and direct the current commander of the Panama Defense Forces and any implicated officials to relinquish their duties pending the outcome of the independent investigation. S. Res. 239 was introduced by Senator Kennedy on June 26, 1987, for himself, Senator Durenberger and 56 other cosponsors.

In Senate floor action, an amendment reiterating U.S. treaty commitments with Panama was introduced by Senators Dodd, Evans, and Biden of the Foreign Relations Committee. Senators Kennedy, Cranston, Kerry, and Durenberger led floor opposition to the Dodd amendment, expressing concern that the consideration of S. Res. 239 was not the appropriate time to redebate the Panama Canal Treaty. The Senate subsequently tabled the Dodd amendment by a vote of 73-13, and passed the resolution on June 26, 1987 without amendment by a vote of 84-2.

Economic Sanctions Against Panama.—Senate Resolution 403 expressed the sense of the Senate that the President should exercise his authority under Sec. 201 of the National Emergencies Act and Secs. 202 and 203 of the International Emergency Economic Powers Act, to prevent the future transfer to the Noriega regime in Panama of any credit or currencies subject to the jurisdiction of the U.S. Government, and to consider placing into escrow any financial resources which would otherwise be transferred to the Noriega regime. The resolution declared that with respect to recent events in Panama, a state of international economic emergency exists which poses a threat to the national security, foreign policy, and economy of the United States. S. Res. 403 was introduced on March 31, 1988 by Senator Byrd for himself and Senators Dole, Pell, Dodd, Helms, Durenberger, Graham, Simpson, Heinz, Stevens and Sasser. The resolution was ultimately sponsored by 37 Senators.

In Senate floor action, Senator Byrd urged Senate support for the Panamanian people in their effort to secure representative democracy and to remove General Manuel Noriega from his dictatorial rule in Panama, by voting to block the payment of taxes and fees into the Panamian treasury from American companies operating in that country. In a much stronger condemnation of the U.S. corporate cash payments to Panama, Senator Kerry lamented the use of corporate funds to aid the Noriega regime in meeting its current expenses, thereby undermining U.S. foreign policy.

In a related floor comment, Senator Heinz commended the general intent of the resolution, but questioned the resolution's finding that a state of international economic emergency existed in Panama. For the record, Senator Heinz stated his preference to use alternative means, other than the International Emergency Economic Powers Act, in achieving the resolution's intended objective.

S. Res. 403 passed the Senate on March 31, 1988 by a vote of 92–1, without amendment or referral to committee. Senator Hatfield cast the single dissenting vote.

Extending Best Wishes to President Duarte of El Salvador.—House Concurrent Resolution 312 extended the sympathy and best wishes of Congress to President Jose Napoleon Duarte of El Salvador during his battle with cancer; and expressed hope that President Duarte will accomplish his ambition of turning the presidency over to an elected successor. Having passed the House on June 8, 1988, by a vote of 406–0, H. Con. Res. 312 was received in the Senate on June 9, 1988. On June 10, 1988, the Senate agreed to H. Con. Res. 312 by voice vote in lieu of Senate Resolution 438, without amendment or referral to committee.

Senate Central American Negotiations Observer Group.—Senate Resolution 273 established the bipartisan Senate Central American Negotiations Observer Group to act as official observers to any negotiations with governments of Central American countries and multilateral negotiations dealing with peace in Central America. The resolution further specified the appointment of eight Senators to such group, authorized expenditure, and established administrative provisions for official travel. Senator Byrd introduced S. Res. 273 for himself and Senator Dole on August 7, 1987, and the Senate agreed to the measure on the same day by voice vote, without referral to committee.

Changes to the Senate Central American Negotiations Observer Group.—Senate Resolution 297 amended of Senate Resolution 273—approved by the Senate on August 7, 1987—to authorize each co-chairmen of the Senate Central American Negotiations Observer Group to designate one professional staff member to serve the Observer Group. The resolution further specified the amount of funds and administrative procedures for the disbursement of salaries and expenses. Senator Byrd introduced S. Res. 297 for himself and Senator Dole on October 15, 1987. The Senate agreed to the resolution on the same day by voice vote, without referral to committee.

International Boundary and Water Commission.—House Concurrent Resolution 344 commended the International Boundary and Water Commission for its efforts to improve the social and economic welfare of the United States and Mexico, and honored the Commission as it prepares to celebrate its 100th anniversary on March 1, 1989.

The House passed H. Coñ. Res. 344 on September 20, 1988 by voice vote. The measure was received in the Senate on September 22, 1988, and was referred to the Foreign Relations Committee on the same day. On October 22, the Senate discharged the committee from further consideration and agreed to the resolution by voice vote.

5. MIDDLE EAST

Human Rights of Baha'is in Iran.—Senate Concurrent Resolution 120 expressed the sense of the Congress that the Government of Iran is responsible for upholding the rights of all its nationals, including the Baha'is, in a manner consistent with its obligations under various international agreements. The resolution urged the Government of Iran to restore fully the rights guaranteed by the Universal Declaration of Human Rights. It further called on the President of the United States to continue to monitor developments affecting the Baha'i minority in Iran and in other countries in which their religious rights might be abridged, to support efforts of the United Nations to promote the protection of the religious rights of the Baha'is, and to provide humanitarian assistance to Baha'i refugees.

S. Con. Res. 120 was submitted by Senator Dodd for himself and 30 cosponsors on May 23, 1988. The measure was referred to the Senate Foreign Relations Committee on the same day, and was reported to the full Senate on June 21, 1988. S. Con. Res. 120 passed the Senate by voice vote on June 23, 1988, without amendment, and was agreed to in the House by voice vote on August 8, 1988.

Condemnation of the Use of Chemical Weapons by Iraq.—Senate Resolution 408 condemned Iraq's use of chemical weapons, called upon Iraq to immediately halt the use of such weapons, and expressed concern about reported Iranian use of chemical weapons. S. Res. 408 commended the President of the United States for his prompt condemnation of Iraq's chemical weapon attacks on civilians; and urged the President to seek allied cooperation in tightening exports of chemical compounds to countries seeking to develop chemical weapons, and to press at the Geneva Conference on Disarmament for an arms control agreement banning chemical weapons.

Senator Mitchell introduced S. Res. 408 on April 12, 1988, for himself and 43 cosponsors. The Foreign Relations Committee reported the measure on June 21, 1988, with an amendment, and without written report. S. Res. 408 was agreed to in the Senate on June 24, 1988, by a vote of 91-0. Senators Mitchell, Hatfield, Murkowski, and Pell supported the measure during Senate floor debate.

Limiting Arms Sales to the Mideast.—Senate Resolution 487 expressed the sense of the Senate that the President should enter into negotiations with other nations which are principal suppliers of arms in the Mideast for the purpose of limiting such sales. S. Res. 487 was introduced on October 5, 1988 by Senator Specter for himself and Senators Deconcini, Inouye, and Kasten, and was referred to the Foreign Relations Committee on the same day. S. Res.

487 passed the Senate on October 19, 1988 by voice vote, without amendment.

U.S. Policy With Respect to Lebanon.—House Concurrent Resolution 381 expressed the sense of Congress that the United States should support the constitutional mandate for presidential elections within the framework of national self-determination; support actions which promote unity in Lebanon; and endorse strengthened national sovereignty for Lebanon. Having passed the House by voice vote on October 6, 1988, H. Con. Res. 381 was received in the Senate on the same day and referred to the Foreign Relations Committee. On October 14, 1988, the committee was discharged from further consideration and the measure was taken up by the full Senate.

During Senate floor debate, Senator Byrd introduced an amendment to H. Con. Res. 381 on behalf of Senator Mitchell and 9 other cosponsors. The amendment struck all after the resolving clause, and stated in a sense-of-the-Congress form, that the United States should encourage all parties in Lebanon to support the constitutional mandate for presidential elections in a democratic atmosphere free from external influence; reinforce its commitment to national sovereignty for Lebanon; and support actions which promote the unity of Lebanon. Both the Mitchell amendment and the concurrent resolution were agreed to by voice vote. The House agreed to the Senate amendment by voice vote on October 20, 1988.

Anniversary of the Camp David Accords.—House Concurrent Resolution 364 congratulated Israel and Egypt on the tenth anniversary of the Camp David Accords. Having passed the House on September 16, 1988 by voice vote, H. Con. Res. 364 was received in the Senate on September 19. The Senate passed the measure by voice vote on the same day, without amendment or referral to committee.

Anniversary Of The Camp David Accords.—Senate Concurrent Resolution 142 congratulated Israel and Egypt on the tenth anniversary of the Camp David Accords, and called upon other Arab States and Palestinians to join the peace process and to enter into direct negotiations with Israel. Senator Boschwitz introduced S. Con. Res. 142 for himself and 33 cosponsors on September 13, 1988. The measure was referred to the Committee on Foreign Relations on the same day, and was ordered favorably reported on September 14, without written report. S. Con. Res. 142 passed the Senate on September 20 by voice vote, without amendment.

6. Miscellaneous

Venice Economic Summit.—Senate Resolution 220 expressed the sense of the Senate that the President should make a resolution of international conflicts in agricultural trade policies a priority during the seven nation-economic summit held at Venice, Italy in June 1987. The measure further stated that summit participants should coordinate efforts to reduce grain and other global agricultural products supplies and eliminate agricultural export subsidies. Senator Pressler introduced S. Res. 220 on May 21, 1987. The measure was ultimately cosponsored by 12 Members, including Senators Boschwitz, Lugar, and Kassebaum of the Foreign Relations Committee. The Foreign Relations Committee amended and reported S. Res. 220 without written report on the same day. On June 4, 1987, the Senate agreed to S. Res. 220 as amended, by voice vote.

Venice Economic Summit.—Senate Resolution 225 expressed the sense of the Senate that the United States should seek certain commitments at the seven-nation Venice economic summit on the issues of trade, agricultural exports, AIDS, and security matters. The resolution encouraged commitments from summit participants to reduce trade surpluses by substantially increasing imports; to liberalize agricultural import policies; to contribute to international efforts to combat the spread of AIDS; and to cooperate in diplomatic and political measures which may be necessary to ensure Western security interests in the Persian Gulf. Senator Byrd submitted S. Res. 225 for himself, Senators Dole, Pell, Kennedy, and Leahy on June 4, 1987. The Senate agreed to the resolution on the same day by a vote of 90-1, without referral to committee.

Development of Agricultural Markets in Developing Countries.—House Concurrent Resolution 151 urged the President to make development of agricultural markets in developing countries a high priority of the foreign economic policy of the United States. The resolution further urged more effective use of food aid and agricultural export development tools provided in the Food Security Act of 1985 and other laws, by establishing, on a country by country basis, a comprehensive program of food aid and economic development assistance to build future foreign commercial markets for U.S. agricultural products. H. Con. Res. 151 passed the House on August 7, 1987, and was received and agreed to in the Senate by voice vote on the same day, without referral to committee.

Senate Observer Group to Arms Control Talks.—Senate Resolution 30 amended Senate Resolution 86—approved by the Senate on February 18, 1985—to reauthorize and redesignate the Senate Arms Control Observer Group to act during the 100th Congress as official observers to any formal arms reduction or control negotiations. S. Res. 30 provided for the bipartisan appointment of four Co-Chairmen and six additional Senators to such group by the Majority Leader, Robert C. Byrd, and the Minority Leader, Robert Dole, and also sets forth administrative provisions for official travel and expenses. Senator Byrd submitted the resolution for himself and Senator Dole on January 6, 1987. The Senate agreed to it on the same day by voice vote, without referral to committee.

Senate Arms Control Observer Group.—Senate Resolution 466 amended Senate Resolution 30—agreed to by the Senate on January 6, 1987—to further reconstitute and reauthorize the Senate Arms Control Observer Group. S. Res. 466 provided for the appointment of 14 members of the Senate to act as official observers to any formal negotiation in which the United States is a party on the reduction of nuclear, chemical, or conventional arms, including, five Cochairmen; the Majority Leader and Minority Leader of the Senate; three members of the Senate from the majority party; and four members of the Senate from the minority party. The resolution also provided for the group staff to include one staff member designated by each co-chairman, as well as one majority staff person, and two minority staff persons. The amendments made by

S. Res. 466 to the Senate Arms Control Observer Group shall take effect beginning with the first session of the 101st Congress.

S. Res. 466 was introduced by Senator Byrd for himself and Senator Dole on August 11, 1988. The measure was agreed to in the Senate on the same day by voice vote, without amendment or referral to committee.

Arms Control Treaty Review Support Office.—Senate Resolution 348 established the Senate Arms Control Treaty Review Support Office to provide to the Senate administrative support, as directed by the Majority and Minority Leaders, with respect to Senate consideration of arms control treaties submitted during the One Hundredth Congress. The resolution further specified necessary security precautions as well as funds and administrative procedures for the disbursement of salaries and expenses. Termination of the Arms Control Treaty Review Support Office shall occur no later than thirty days after the adjournment of the One Hundredth Congress.

Senator Byrd introduced S. Res. 348 for himself and Senator Dole on December 19, 1987. The Senate agreed to the resolution by voice vote, without amendment or referral to committee.

Soviet ABM Treaty Violations.—Senate Resolution 474 expressed the sense of the Senate supporting the President's continued policy that Soviet violations of the ABM treaty must be corrected before the conclusion of any future agreements on strategic arms. The resolution further urged the President to work with Congress to develop appropriate response options to Soviet ABM Treaty violations that would, if not corrected, be a detriment to U.S. security. Senator Wallop introduced S. Res. 474 for himself and 18 cosponsors on September 16, 1988. The Senate agreed to the resolution on the same day by a vote of 81-0, without amendment or referral to committee.

Arms Control Negotiations with the Soviet Union.—Senate Resolution 94 expressed the support of the Senate for a "mutual, equitable, balanced, verifiable, and stabilizing nuclear arms reduction agreement" with the Soviet Union. The resolution encouraged both nations to resolve remaining differences, cautioned the Soviet Union against pursuing strategies designed to exploit American domestic politics or divide the United States from its allies in an effort to secure bargaining advantages, and urged the Soviet Union not to condition progress on all arms control matters with issues relating to strategic defense technologies. The measure also declared that Soviet violations of existing agreements has been an important obstacle to the achievement of an acceptable arms control agreement, and called upon the Soviet Union to recitify such violations. The measure further urged the President to consult with America's allies and the Senate in the construction of a sound arms reduction agreement.

Senator Byrd submitted S. Res. 94 for himself, Senators Dole, Boren, and 5 other cosponsors on February 17, 1987. The Senate considered the resolution on the same day, with floor action managed by Senators Pell and Helms of the Foreign Relations Committee. S. Res. 94 was agreed to by the Senate on February 17, 1987, by a vote of 93-2, without referral to committee. The two dissenting votes were cast by Senator Proxmire in protest of the Administration's arms control record, and by Senator Helms in condemnation of Soviet violations of existing arms control treaties and in support of alternative measures to bolster the nuclear deterrent forces of the United States.

U.N. International Conference on Drug Abuse and Illicit Trafficking.—Senate Resolution 238 urged the United States delegation to the International Conference on Drug Abuse and Illicit Trafficking to secure firm commitments from governments of drug-producing and drug-transit countries to reduce drug crop production and drug transshipments. The measure further expressed Senate support for improved international cooperation in drug law enforcement. Senator Chiles submitted S. Res. 238 for himself, Messrs. Pell and Dole on June 25, 1987. The Senate agreed to it on the following day by a vote of 94–0, without referral to committee.

International Negotiations to Protect the Ozone Layer.—Senate Resolution 226 expressed the sense of the Senate that the President should endorse the United State's original position in international negotiations to protect the Earth's ozone layer. As agreed to, the measure further expressed that the United States should seek an international agreement which will provide for an immediate freeze in the production of major ozone depleting chemicals at 1986 levels, an automatic reduction of not less than 50 percent in production of such chemicals, and the virtual elimination of such chemicals. On June 25, 1987, Senator Baucus submitted S. Res. 226 for himself and 34 cosponsors, including nine Members of the Foreign Relations Committee. The Senate agreed to the measure on the same day by a vote of 80–2, without referral to committee.

Depletion of the Ozone Layer.—Senate Resolution 312 expressed the sense of the Senate that the ozone "hole" that forms over the Antarctica poses a threat to the public health and environment of the entire globe. The resolution urged the United States to take a leadership role to protect the environment by ratifying the Montreal Protocol To Control Ozone Depleting Substances, and encouraged the President to call upon other countries to move toward ratification so that the Protocol would enter into force as soon as possible. Senator Baucus introduced S. Res. 312 for himself and 39 cosponsors on November 3, 1987. The measure passed the Senate on the same day by voice vote, without amendment or referral to committee.

Uncontrolled Fishing in the Bering Sea.—Senate Resolution 396 expressed the sense of the Senate that, pending completion of a comprehensive international agreement, unregulated fisheries in the international water of the Bering Sea (known as the "Doughnut") should be halted. The resolution called on the Secretary of State to initiate bilateral negotiations with the Soviet Union to establish a moratorium on all fishing in the "Doughnut", and to provide enforcement mechanisms to ensure compliance by other fishing nations. The U.S.-Soviet bilateral agreement is to remain in effect until a multilateral agreement establishing an international regime for the effective conservation and management of fishery resources in the Bering Sea can be concluded. The resolution made clear that these future bilateral and multilateral agreements are solely for the purpose of fishery conservation, and shall in no way impede internationally recognized rights and freedoms of vessel transit.

S. Res. 396 was introduced on March 18, 1988 by Senator Stevens for himself and Senators Breaux, Evans, and Dole. The measure passed the Senate by a vote of 78-0 on March 21, 1988, without amendment or referral to committee.

Protection of the Earth's Stratospheric Ozone Layer.—Senate Resolution 443 expressed the sense of the Senate that the United States President should call on the leaders of the major industrial nations at the June 1988 Summit to take effective action to protect the Earth's ozone layer by agreeing to: deposit, by October 1, 1988, all instruments of ratification of the Montreal Protocol on Substances that Deplete the Ozone Layer; immediately call for a meeting of the parties to the Protocol to consider the latest scientific evidence and further control measures; identify and eliminate, within 1 year, institutional and legal barriers to encourage recycling and conservation of ozone depleting substances listed in Annex A of the Protocol; and to implement, within 1 year, domestic recycling and conservation of such substances to the maximum extent possible.

S. Res. 443 was introduced on June 16, 1988 by Senator Baucus for himself and 16 cosponsors. The Senate agreed to the resolution on the same day by voice vote, without amendment or referral to committee.

Return of Senator Joseph Biden.—Senate Resolution 465 welcomed the return to the Senate of Foreign Relations Committee member, Senator Joseph Biden, after a six-month absence to recuperate from surgery; and extended the best wishes of the Senate for his continued good health. S. Res. 465 was introduced by Senator Roth, on August 11, 1988, on behalf of himself and 98 cosponsors. The Senate agreed to the resolution by voice vote, without amendment or referral to committee.

Contributions of John Foster Dulles in International Affairs.—Senate Concurrent Resolution 102 expressed the sense of the Congress that, on the centennial of the birth of the statesman John Foster Dulles, Americans should examine his contributions in international affairs and should study our Nation's history in order to understand and to meet similar challenges faced today. Senator Danforth introduced S. Con. Res. 102 on March 3, 1988 for himself and Senators Pell, Bond, and Sarbanes. The measure passed the Senate on March 4, 1988 by voice vote, without amendment or referral to committee. S. Con. Res. 102 was referred to the House on March 8, 1988, and was agreed to by voice vote on September 20, 1988.

Recognition of Ambassador Paul Henry Nitze.—Senate Resolution 62 commended and acknowledged the contribution of Ambassador Paul Nitze to the security of the United States on the occasion of his 80th birthday. The measure was submitted on January 16, 1987 by Senator Stevens for himself and 7 cosponsors, including Messrs. Lugar and Pell of the Foreign Relations Committee. The Senate agreed to S. Res. 62 on the same day by voice vote, without referral to committee.

Commending Department of State Officers.—House Concurrent Resolution 369 commended the Department of State's Science and

Technology officers, and urged the Secretary to make every effort to enhance the number and professional standing of these officers to reflect greater emphasis on science and technology in the United States diplomatic agenda. Having passed the House on September 29, 1988, by voice vote, H. Con. Res. 369 was received in the Senate and was referred to the Foreign Relations Committee on September 29, 1988. The Senate discharged the Committee from further consideration and agreed to the measure on October 19, 1988, by voice vote.

7. Housekeeping Matters

A. STUDIES

1987 Funds For Inquiries and Investigations.—Section 12 of Senate Resolution 80 authorized $2,442,798 to be expended during the 12-month period from March 1, 1987 through February 29, 1988, by the Committee on Foreign Relations and its subcommittees to continue inquiries into foreign relations generally and international events as they affect future U.S. foreign policy. Of that amount, not to exceed $25,000 was to be available for the procurement of the services of individual consultants or organizations. The resolution also amended Rule XXXIX of the standing rules of the Senate to restrict the travel of employees and elected officers whose employment will terminate at the end of a Congress. The Senate agreed to S. Res. 80 on January 28, 1987 by voice vote. An amendment to reduce expenditures for Senate Committees by five per centum was tabled by a vote of 58-36.

In previous action, the Foreign Relations Committee reported Senate Resolution 60, an original resolution authorizing expenditures for the Committee, on January 16, 1987 without written report. S. Res. 60 was referred to the Committee on Rules and Administration on the same day. The Rules Committee reported S. Res. 80 (S. Rept. 100-1) authorizing expenditure by committees of the Senate in lieu of S. Res. 60 and other committees' resolutions.

Authorizing expenditures by committees of the Senate.—Senate Resolution 381, the Omnibus Funding Resolution of 1988, authorized expenditures for 18 Senate committees, including the Committee on Foreign Relations, and for other Senate activities from March 1, 1988 through February 28, 1989. Prior to the introduction of S. Res. 381, the Committee on Foreign Relations reported an original measure, S. Res. 356, that authorized committee expenditures during the same period involving use of the contingent fund, employment of personnel, use of the services of department or agency staff, procurement of consultant services, and training for the committee's professional staff. S. Res. 356 was introduced on January 26, 1988 by Senator Pell and reported, without written report on the same day, at which time the measure was referred to the Senate Rules Committee. Subsequently, on February 22, the Rules Committee reported an original resolution, S. Res. 381 (S. Rept. 100-287), in lieu of S. Res. 356 and 17 other similar expenditure measures from various Senate committees. The Senate agreed to S. Res. 381, without amendment, on February 26 by a vote of 84-8.

B. PRINTING

Authorizing the Printing of Certain Documents.—Senate Resolution 482 authorized the printing as a Senate document during the bicentennial year 1989, the Declaration of the Rights of Man and of the Citizen, and the Bill of Rights. In addition, the resolution required that the printing include bound volumes suitable for presentation to the President of France, the President of the French Senate, and the President of the National Assembly of France. S. Res. 482 was introduced by Senator Helms on September 28, 1988, on behalf of himself and Senator Pell. The Senate agreed to the resolution on the same day by voice vote, without amendment or referral to committee.

Printing of Senate INF Report.—Senate Resolution 393 provided for the printing of "The INF Treaty and the Future of the Alliance—Report by a Senate delegation to five NATO Countries, led by Majority Leader Robert C. Byrd, February 6–14, 1988" as an official Senate document, with additional copies for distribution to Senate members. S. Res. 393 was introduced on March 4, 1988 by Senator Byrd. The Senate agreed to the resolution on the same day by voice vote, without amendment or referral to committee.

C. LEGAL REPRESENTATION

Legal Representation of Committee Staff.—Senate Resolution 81 directed the Senate Legal Counsel to represent the chief clerks of the Committee of Foreign Relations and the Select Committee on Intelligence, as well as any committees, Members, officers or other employees of the Senate, in the case of *United States* v. *George Morales,* et al. S. Res. 81 was introduced by Senator Byrd for himself and Senator Dole on January 22, 1987, and the Senate agreed to the measure on the same day by voice vote, without referral to committee.

Representation by Senate Legal Counsel.—Senate Resolution 347 directed the Senate Legal Counsel to represent the Committee on Foreign Relations in any legal proceeding concerning the Committee's access to non-public records which the Department of Justice agreed to provide in connection with the case of *United States* v. *Zavala.* Senator Byrd introduced the resolution for himself and Senator Dole on December 18, 1987. S. Res. 347 was agreed to without amendment on the same day, by voice vote.

D. ENROLLMENT CORRECTIONS

Correcting the Enrollment of S.J. Res. 317.—Senate Concurrent Resolution 144 made corrections in the enrollment of S.J. Res. 317, a measure commemorating the bicentennial of the French Revolution. Senator Helms introduced S. Con. Res. 144 on September 27, 1988, at which time the Senate agreed to the measure by voice vote, without amendment or referral to committee. On September 28, 1988, the House also agreed to S. Con. Res. 144 by voice vote.

Correcting the Enrollment of H.J. Res. 602.—Senate Concurrent Resolution 143 made corrections in the enrollment of H.J. Res. 602, a measure supporting the restoration of a free and independent Cambodia. Senator Pell introduced S. Con. Res. 143 on September 22, 1988, at which time the Senate agreed to the measure by voice vote, without amendment or referral to committee. On October 4, 1988, the House also agreed to S. Con. Res. 143 by voice vote.

E. OTHER

Authorizing the Review of Closed Session Transcripts.—Senate Resolution 316 authorized the Chairman and Ranking Minority Member of the Committee on Foreign Relations to release to the United States District Court of the Southern District of Florida, closed session testimony of Jorge Morales before the Subcommittee on Terrorism, Narcotics and International Operations on July 15, 1987. S. Res. 316 was submitted on November 6, 1988 by Senators Byrd and Dole. The Senate agreed to the resolution on the same day by voice vote, without amendment or referral to committee.

Release of Document by the Committee on Foreign Relations.—Senate Resolution 324 authorized the Chairman and Ranking Minority Member of the Committee on Foreign Relations to provide to the Independent Counsel appointed by the court in the case of Oliver L. North, et al. (D.C. Cir Div. No 86-6, Dec. 19, 1986), a transcript of the closed session testimony of William Crone. Release of this transcript was made subject to the Independent Counsel's agreement to abide by confidentiality and other requirements specified by the committee. S. Res. 324 was submitted by Senator Byrd for himself and Senator Dole on November 17, 1988. The resolution was agreed to in the Senate on same day by voice vote, without amendment or referral to committee.

Release of Subcommittee Documents Concerning the Iran-Contra Investigation.—Senate Resolution 402 authorized the Chairman and Ranking Minority Member of the Committee on Foreign Relations, acting jointly, to provide to the Independent Counsel transcripts of the closed session or deposition testimony received from six witnesses testifying before the Subcommittee on Terrorism, Narcotics and International Operations during the period March 20–August 7, 1987. The transcripts were requested by the Independent Counsel in furtherance of the judicial investigation of Oliver L. North, et al. (D.C. Cir. Div. No. 86-6, Dec. 19, 1986). The resolution expressly stated that release of the transcripts was subject to assurance from the Independent Counsel to abide by confidentiality and any other requirements as deemed necessary by the Committee. S. Res. 402 was introduced by Senator Byrd for himself and Senator Dole on March 30, 1988. The resolution was agreed to in the Senate on the same day by voice vote, without amendment or referral to committee.

Authorizing Release of Documents by the Committee on Foreign Relations.—Senate Resolution 511 authorized the Chairman and Ranking Minority Member of the Committee on Foreign Relations to provide to the United States Attorney for the District of Colorado, pursuant to United States v. Heinreich Rupp, No. 87-CR-112, a transcript of the deposition testimony of Richard John Brenneke. Release of this transcript was made subject to agreement by the United States Attorney to abide by confidentiality and other requirements established by the committee. Senator Byrd introduced S. Res. 511 for himself and Sen. Dole on October 20, 1988. The

Senate passed the resolution on the same day by voice vote, without amendment or referral to committee.

D. LEGISLATION CONSIDERED BY THE COMMITTEE BUT NOT ENACTED OR AGREED TO

ASIA

CONGRATULATING THE KING OF THAILAND

Senate Concurrent Resolution 128 congratulated His Majesty King Bhumibol Adulyadej of Thailand for becoming the longest reigning monarch in that country's history. S. Con. Res. 128 was submitted in the Senate by Senator Hatfield on June 28, 1988, and was agreed to on the same day by voice vote, without amendment or referral to committee. S. Con. Res. 128 was received in the House on June 29, 1988, and was referred to the Foreign Affairs Subcommittee on Asian and Pacific Affairs, where no further action was taken.

CONDEMNING NORTH KOREA'S SUPPORT FOR TERRORIST ACTIVITIES

Senate Concurrent Resolution 99 condemned North Korea for its bombing of the Korean Air Line (KAL) flight 858 and its support for international terrorism; and categorically rejected the December 1987 proposal to enter into a dialogue with the Parliament of North Korea, whose members represent a government that engages in acts of state-supported terrorism. The resolution expressed congressional support for the sanctions imposed by the executive branch against North Korea; urged other countries to implement appropriate measures against North Korea, including sanctions and termination of trade; and called upon the International Civilian Aviation Organization and other international aviation groups to take steps against North Korea, including consideration of suspending air service to that country. The resolution also called upon all governments, organizations, and individuals to support the International Olympic Games in Seoul, and reaffirmed U.S. support for South Korean sponsorship of those games. Finally, S. Con. Res. 99 commended the Governments of Bahrain and Japan for their cooperation in the investigation of the KAL bombing, and the Government of South Korea for its restraint in the face of North Korean provocation.

S. Con. Res. 99 was introduced on February 19, 1988 by Senator Kerry and 16 cosponsors, and was referred to the Foreign Relations Committee. The Committee on Foreign Relations reported the resolution on March 3, 1988, with an amendment and without written report. The concurrent resolution was agreed to in the Senate, as amended, by voice vote. S. Con. Res. 99 was sent to the House on March 8, 1988, but no further action was taken in the 100th Congress.

COMMENDING THE REPUBLIC OF KOREA ON THE XXIV OLYMPIAD

Senate Concurrent Resolution 152 was introduced on October 4, 1988 by Senator Lugar for himself and Senators Pell, Cranston, Murkowski, Helms, and Boren. The concurrent resolution commended the Republic of Korea for successfully hosting the games of the XXIV Olympiad, and expressed the deep appreciation of the American people for the warm hospitality extended by the people of Korea in welcoming United States participants to these Olympic games. The resolution was referred to the Committee on Foreign Relations on October 4, 1988. The committee was discharged from further consideration on October 7, 1988, and the resolution was agreed to in the Senate by voice vote, without amendment. S. Con. Res. 152 was referred on October 12, 1988 to the House Foreign Affairs Committee, where the measure received no further action.

REVISION OF THE UNITED STATES-JAPAN NUCLEAR COOPERATION AGREEMENT

The primary purpose of Senate Concurrent Resolution 96 was to express the opposition of the Congress to the Proposed Agreement Between the United States and Japan Concerning Peaceful Uses of Nuclear Energy, transmitted to the Congress by the President on November 9, 1987. S. Con. Res. 96 expressed the sense of Congress that the United State's consent to Japanese use and transport of U.S. controlled plutonium under the proposed agreement is inconsistent with the Atomic Energy Act of 1954. The resolution therefore called on the President to renegotiate the draft agreement or resubmit it to Congress with an exemption of statutory requirements before the agreement is placed into effect.

On December 15, 1987, the Committee on Foreign Relations held a public hearing on the proposed United States-Japan Nuclear Cooperation Agreement, during which testimony was received from Senator Glenn, the Assistant Secretary of State for East Asia and Pacific Affairs, the Special Adviser to the Secretary of State on Non-Proliferation Policy and Nuclear Energy Affairs, the Acting Assistant Director for Arms Control and Disarmament Agency, and representatives from the Nuclear Control Institute and the Governor of Alaska.

On December 17, 1988, the committee considered the agreement at its business meeting, and voted 15–3 to approve a motion offered by Senator Cranston to send a letter to the President indicating the committee's unhappiness with the agreement. Senators Trible, Evans, and McConnell voted against the motion. A second Cranston motion to report an original resolution returning the proposed United States-Japan Agreement to the President was carried by an identical 15–3 vote. On December 17, 1987, the committee reported an original resolution, S. Con. Res. 96, to the full Senate.

In its report (S. Rept. 100–275), the committee emphasized that its objections to the proposed agreement were not directed against the trustworthiness of Japan as an ally of the United States, but that the committee opposed "the proposal to abandon the consistent U.S. policy, initiated by President Gerald Ford, of discouraging premature commercial plutonium use until adequate safeguards are developed to protect Americans from antiterrorism, nonproliferation, and environmental concerns".

S. Con. Res. 96 was placed on the Senate Legislative Calendar on January 20, 1988, but was indefinitely postponed in the Senate by voice vote on March 25, 1988.

AGREEMENT WITH JAPAN ON THE PEACEFUL USES OF NUCLEAR ENERGY

Senate Joint Resolution 241 sought to express Congress' disapproval concerning the proposed agreement for nuclear cooperation between the United States and Japan, which was transmitted to Congress by the President on November 9, 1987.

S.J. Res. 241 was introduced, by request, on January 27, 1988, by Senators Byrd and Dole, and was referred to the Senate Foreign Relations Committee. On March 14, 1988, the committee was discharged from further consideration, and the resolution was placed on the Senate legislative calendar. On March 21, 1987, a motion to proceed to Senate consideration of the measure was agreed to by a vote of 41-40.

During floor debate, Senator Pell argued in favor of the resolution of disapproval, noting that the Senate Foreign Relations Committee had carefully reviewed the United States-Japan nuclear cooperation agreement and concluded that the agreement was not consistent with current U.S. law. For this reason, on December 17, 1987, the committee voted 15-3 to return the agreement to the administration. Senator Pell's floor comments were supported by similar statements from Senators Helms, Glenn, Adams, Cranston, and Proxmire.

Senators Evans, McClure, Murkowski, Boschwitz, and Domenici argued against the resolution of disapproval, and in favor of the proposed nuclear cooperation agreement. Summarizing the views of these Senators, Senator Evans emphasized that the agreement would provide an overall framework under which the United States and Japan are obligated to cooperate on determining proper safeguards, physical protection, and security for the use of plutonium in Japan. Senator Evans argued that proposed treaty would give the United States more, not less, control over the Japanese nuclear energy program.

S.J. Res. 241 was ultimately defeated by a vote of 30-53.

SUPPORT FOR THE DALAI LAMA

Senate Concurrent Resolution 129 expressed the support of Congress for the Dalai Lama and his efforts to promote peace, protect the environment, and gain democracy for the people of Tibet through negotiation with the People's Republic of China. S. Con. Res. 129 was introduced on June 29, 1988, by Senator Pell for himself and Senators Helms, Cranston, and Murkowski. The measure was considered by the Foreign Relations Committee and was favorably reported without amendment on September 14, 1988. On September 16, 1988, S. Con. Res. 129 was agreed to in the Senate by voice vote, and was referred to the House Foreign Affairs Committee, where the measure received no further action.

TRANSFER OF SILKWORM MISSILES TO IRAN BY THE PEOPLE'S REPUBLIC OF CHINA

Senate Concurrent Resolution 84 expressed the sense of Congress that the United States should review all U.S. military-related technology transfers to the People's Republic of China until China indicates its willingness to support an arms embargo should Iran fail to accept United Nations Security Council Resolution 598. The resolution further stated that the President should inform the Chinese Government that the continued transfer of silkworm missiles to Iran may seriously jeopardize United States-Chinese relations, and report to Congress within 30 days on China's response to the U.S. message.

S. Con. Res. 84 was introduced on October 20, 1987 by Senators Murkowski and Cranston, and was referred to the Foreign Relations Committee. The committee was discharged from further consideration on October 22, 1987, and the resolution was agreed to in the Senate on the same day by voice vote, without amendment. S. Con. Res. 84 was referred to the House on October 26, 1987, but no further action was taken by the Foreign Affairs Committee.

WELCOMING THE DELEGATION OF THE ISLAMIC UNITY OF AFGHAN

S.J. Res. 221 reaffirmed U.S. support for the Afghan Resistance Alliance and welcomed the delegation of the Islamic Unity of Afghan mujahideen led by President Yunis Khalis. S.J. Res. 221 was introduced by Senator Humphrey on November 17, 1987 for himself and Senators Pell, Dole, and Byrd. The joint resolution passed the Senate on November 17, 1987, by voice vote, without amendment or referral to committee. S.J. Res. 221 was sent to the House on November 19, 1987, where it was referred to the House Foreign Affairs Subcommittee on Asian and Pacific Affairs. No further action resulted in the 100th Congress.

AUTHORIZING LEASE OF A NAVAL REPAIR SHIP TO THE GOVERNMENT OF PAKISTAN

H.R. 5420 authorized the Department of the Navy to lease the naval repair ship *Hector* (AR-7) to the Government of Pakistan; and to transfer without charge, a floating drydock and a medium yard tug to the Republic of the Philippines. H.R. 5420 passed the House on October 6, 1988 by a vote of 415-0, and was sent to the Senate on the same day. The bill was considered in the Senate on October 14, 1988, and agreed to by voice vote with an amendment.

The Senate amendment, offered by Senator Humphrey, provided that such sums as may be necessary of U.S.-owned foreign currencies may be made available for development assistance programs, or to assist overseas institutions providing education for a significant number of U.S. nationals in the country where such currencies are held, with the exception of Communist-bloc countries. H.R. 5420, as amended, was returned to the House on October 18, 1988, where no further action was taken.

MIDDLE EAST

ANNIVERSARY OF THE CAMP DAVID ACCORDS

Senate Concurrent Resolution 142 congratulated Israel and Egypt on the 10th anniversary of the Camp David Accords, and called upon other Arab States and Palestinians to join the peace process and to enter into direct negotiations with Israel. Senator Boschwitz introduced S. Con. Res. 142 for himself and 33 cosponsors on September 13, 1988. The measure was referred to the Committee on Foreign Relations on the same day, and was ordered favorably reported on September 14, 1988, without written report. S. Con. Res. 142 passed the Senate on September 20 by voice vote, without amendment. No further action was taken in the House.

PROHIBITING THE ENHANCEMENT OR UPGRADE IN THE TECHNOLOGICAL CAPABILITY OF MAVERICK MISSILES FOR SAUDI ARABIA

Senate Joint Resolution 153 prohibited the enhancement or upgrade in the technology or capability of Maverick missiles for Saudi Arabia. The resolution was intended to prohibit the Administration's proposed sale of 1,600 Maverick D air-to-ground missiles and related services and equipment to Saudi Arabia, which was formally reported to Congress on May 29, 1987.

On June 3, 1987, Senator Packwood introduced S.J. Res. 153 on behalf of himself and 65 cosponsors. A public hearing on the resolution was held on June 10, 1987 by the Committee on Foreign Relations, and a mark up session was scheduled for June 11, 1987. However, the administration withdrew its original proposal on June 11, 1987. Consequently, no further action was taken on S.J. Res. 153.

THE PREVENTION OF GENOCIDE, AND SANCTIONS AGAINST IRAQI CHEMICAL WEAPONS USE ACTS

On September 9, 1988, Senator Pell introduced S. 2763, the Prevention of Genocide Act of 1988, for himself and Senators Helms, Bond, Levin, Ford, Proxmire, Gore, and Lugar.

S. 2763 contained the findings of Congress that the Iraqi army had undertaken what appears to be a campaign of genocide against the Kurdish region of Iraq, and was using chemical weapons against Kurdish insurgents and unarmed Kurdish civilians—practices which are considered a gross violation of international law. The bill directed U.S. representatives to international financial institutions to vote against all loans to Iraq, and banned all U.S. assistance, sales or transfers of military equipment or items subject to export controls, and provision of credits and guarantees to Iraq. The bill provided for a waiver of the proposed sanctions if the President certified to Congress that Iraq was not committing genocide against the Kurdish population of Iraq, and was not using chemical weapons banned by the 1925 Geneva Conventions. S. 2763 further commended the Government of Turkey for its humanitarian decision to host thousands of Kurdish refugees fleeing extermination in Iraq, and stated the sense of Congress that the United States should also provide humanitarian assistance to Kurdish refugees.

During Senate floor consideration, Senators Pell, Ford, Bradley, Proxmire, and Helms introduced an amendment requesting the Secretary of State to bring before the United Nations Security Council the matter of Iraq's use of poison gas against its own nationals, and to demand that, in accordance with U.N. Resolution 620, appropriate and effective measures be taken against Iraq for its repeated use of chemical weapons.

S. 2763, as amended, was agreed to in the Senate by voice vote on September 9, 1988, and was sent to the House on September 13, 1988, where it was jointly referred to the House Committees on Banking, Finance, and Urban Affairs; Foreign Affairs; and Ways and Means. The House, however, adopted H. Res. 552 on September 28, a measure expressing the opinion of the House that S. 2763 "contravenes the U.S. Constitution and is an infringement of the privileges of the House." Accordingly, pursuant to House Resolution 552, S. 2763 was returned to the Senate on October 3, 1988.

In an effort to move the Senate's Iraq sanctions bill forward, Senator Helms reintroduced S. 2763 on September 30, 1988, as an amendment to H.R. 4637, the Foreign Operations Appropriations bill for fiscal year 1989. A secondary amendment offered by Senators Pell, Helms, and DeConcini, substituted the language of S. 2763 with S. 2848, as introduced on September 30, 1988, by Senator Pell. S. 2848 represented a compromise between the House and Senate positions on Iraq's chemical weapons use. The measure sought to impose a ban on the export of certain sensitive technology, and to require U.S. opposition to loans to Iraq from international financial institutions. The bill also permitted, but did not require a suspension of agricultural guarantees to Iraq.

The Senate agreed to S. 2848 as an amendment to H.R. 4637. However, the provision was deleted in conference.

PROHIBITING IMPORTS FROM IRAN

S. 1748 sought to prohibit the importation of all products from Iran. The bill would have authorized the President to delay the implementation of the prohibition if he determined that it is not in the national interest of the United States, and would have allowed Congress to extend such delay by joint resolution. S. 1748 was introduced on October 2, 1987, by Senator Dole on behalf of himself and Senator Byrd. The measure passed the Senate on October 6, 1987, by a vote of 93–0, without amendment or referral to committee. On October 26, 1988, S. 1748 was sent to the House and was considered on June 16, 1988. The measure was returned to the Senate on June 22, 1988, pursuant to House Resolution 474; no further action was taken in the 100th Congress.

PREVENTING U.S. INVOLVEMENT IN PERSIAN GULF HOSTILITIES

On June 4, 1987, Senators Pell, Hatfield, and Cranston introduced S. 1327. The primary purpose of this bill was to avoid greater U.S. involvement in Persian Gulf hostilities by prohibiting, for 1 year, the use of appropriated or other funds to implement any agreement to register under the U.S. flag, vessels owned by Persian Gulf nations.

In addition, S. 1327 reaffirmed United States neutrality in the Iran-Iraq war; supported the use of U.S. naval forces to protect the right of American vessels to free passage in international waters of the Persian Gulf; urged the President to take steps through the United Nations Security Council to obtain a cease-fire in the Iran-Iraq war, with the threat of a U.N. arms embargo and economic sanctions against any combatant refusing to cooperate in the establishment of a negotiated cease-fire; and stated that the United States should utilize its influence with the People's Republic of China to stop Chinese arms sales to Iran.

In its report (S. Rept. 100–102), the committee argued that the U.S. agreement to reregister 11 Kuwaiti-owned oil tankers under the American flag and to provide naval escort for these ships through the Persian Gulf was poorly conceived and posed a serious risk to important U.S. interests in that region. Because of Kuwait's close association with Iraq, the committee expressed concern over the increased likelihood of a United States-Iran conflict. Given such risks, the committee questioned the benefits of the reflagging policy. The committee drew an unflattering comparison to the administration's decision to introduce troops into Lebanon without a clearly defined mission, where the deployment of such forces was perceived as an action that placed American support on one side over another in a regional conflict. In short, the committee charged that the administration's reflagging program unnecessarily risked the lives of American servicemen.

Rather, the committee observed that the real threat to Western interests in the Persian Gulf region came from the continuation of the Iran-Iraq war. The committee therefore concluded that ending the war should be a matter of the highest priority for the United States and its allies.

The committee held an open hearing on S. 1327 on June 16, 1987, during which testimony was received from the Departments of State and Defense, the National Security Council, several academicians, and trade associations. The committee also held two closed session hearings on S. 1327 and related events on June 17 and June 23, 1987, during which testimony was received from the Defense and State Departments, and the Central Intelligence Agency. Prior to the introduction of S. 1327, the committee held one open and two closed hearings on Persian Gulf policy and on the administration's proposal to convoy certain Kuwait oil tankers.

The committee marked up S. 1327 on June 25, and June 30, 1987. On June 30, the committee voted 11–8 to report S. 1327, along with an amendment in the nature of a substitute offered by Senator Murkowski, and cosponsored by Senators Pell and Cranston. Senators Helms, Lugar, Kassebaum, Boschwitz, Pressler, Trible, Evans, and McConnell voted not to report the bill.

In their dissenting views to the committee report, Senators Helms, Lugar, Kassebaum, Boschwitz, Trible, Evans, and McConnell acknowledged that the reflagging policy is not without risk. However, these members noted that S. 1327, if enacted, would reverse the administration's commitment to Kuwait, undercut U.S. foreign policy, and seriously jeopardize U.S. ability to influence events in the Persian Gulf.

No further action was taken on S. 1327 during the 100th Congress.

PERSIAN GULF AND THE WAR POWERS RESOLUTION

The power to conduct warfare is constitutionally divided between the President and the Congress, with power to declare war, provide armed forces, and finance military operations residing in Congress. Increasingly concerned about its diminishing authority and influence on the use of the U.S. Armed Forces during the Vietnam war, Congress enacted the War Powers Resolution in 1973 in order ensure its constitutional mandate.

Under the War Powers Resolution, the President is required to obtain congressional approval prior to the introduction of U.S. Armed Forces in "hostilities or in situations where imminent involvement in hostilities is indicated by circumstances. In absence of a declaration of war, the President is required to submit a report to Congress within 48 hours explaining the "circumstances necessitating" the introduction of troops in a war powers situation, his "constitutional and legislative authority" for taking such action, and the "estimated scope and duration of the hostilities or involvement". Unless Congress has approved the President's action, the involvement of troops is to be terminated after the expiration of 60 days.

Accordingly, the purpose of S. 1343 was to require that the use of U.S. Armed Forces to escort, protect, or defend certain reregistered vessels in the Persian Gulf comply with the War Powers Resolution. In the event that the President did not transmit the necessary report to Congress, S. 1343 provided that the provisions of the War Powers Resolution would nevertheless apply beginning 48 hours after the introduction of such forces.

The committee noted that with the advent of the Iran-Iraq war on September 20, 1980, the Persian Gulf became an active war zone, with commercial shipping declared by both Iran and Iraq as "fair game" in the conflict. Since 1984, at least 200 ships had been attacked, including the May 17, 1987 Iraqi air attack on the U.S.S. *Stark* in which 37 men were killed. In the wake of the *Stark* incident, increased congressional scrutiny was brought to bear on the U.S. agreement to provide protection for 11 reregistered Kuwaiti-owned oil tankers operating in the Persian Gulf under American flags.

In its report (S. Rept. 100–106), the committee raised serious questions about the U.S. role in the gulf, and expressed concern that another tragic attack on U.S. ships could lead to public outrage and powerful pressures to retaliate. Although the administration downplayed the possibility that active involvement in protecting shipping could draw the United States into wider conflict with Iran, the committee noted that, given such risks, it is unclear what future American forces might need to be deployed and under what circumstances. The committee clearly stated that it did not want to be dragged into a shooting war in the Persian Gulf, or to become a party to the Iran-Iraq war.

On March 31, 1987, Assistant Secretary of State, Richard Murphy, briefed the committee on the administration's intention to reflag 11 Kuwaiti tankers, effectively bringing these ships under the protection of the U.S. Armed Forces. On May 19, 1987, two days after the attack on the U.S.S. *Stark,* the committee met in closed session with officials from the Departments of Defense and State. On May 21, 1987, Committee Chairman Claiborne Pell sent a letter to the Secretary of State urging the administration to comply with the provisions of the War Powers Resolution. On March 29, 1987, the committee received open session testimony from Department of State and Defense witnesses on the attack of the U.S.S. *Stark* and U.S. policy in the Persian Gulf.

On June 9, 1987, Senator Hatfield, on behalf of himself and Senators Bumpers, Pell, Harkin, Matsunaga, Adams, and Leahy, introduced S. 1343. The committee considered S. 1343 on June 25 and June 30, 1987.

On June 30, 1987, the committee voted to report the bill, along with an amendment offered by Senator Adams to strengthen the Presidential reporting requirement, by a vote of 10–9. Committee members Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell voted not to report the measure.

In their additional comments to the committee report, Senators Helms, Lugar, Boschwitz, Murkowski, and McConnell stated that S. 1343 called for a congressional finding that the protection of reflagged Kuwaiti vessels was tantamount to introducing U.S. Armed Forces into a war powers situation. These committee members argued that the reflagging operation neither introduced U.S. Armed Forces into hostilities or into a situation where involvement in hostilities is imminent, nor altered the United States's neutral status with respect to the Iran-Iraq war.

Moreover, these committee members maintained that by lowering the threshold of when the war powers reporting is required, S. 1343 established a dangerous precedent for U.S. military operations elsewhere. Consequently, S. 1343 would lead to the expectation that U.S. military operations anywhere would require the war powers test, placing an undue constraint on the exercise of U.S. military power and the preservation of U.S. security interests around the world.

S. 1343 was placed on the Senate legislative calendar, but was never considered by the full Senate.

WAR POWERS RESOLUTION

On October 1, 1987, Senators Weicker and Hatfield introduced Senate Joint Resolution 194, requiring compliance with the provisions of the War Powers Resolution relating to an Iranian attack on a U.S. military helicopter in the Persian Gulf. On October 9, 1987, the joint resolution was laid before the Senate by unanimous consent, without referral to committee.

S.J. Res. 194 became the subject of contentious debate in the Senate, where it survived two proposed motions to table the measure on October 9 and 16, 1987, by a vote of 37–52 and 3–87, respectively. On October 20, 1987, a cloture motion was successfully invoked by a vote of 67–28.

A total of 37 amendments were proposed during Senate consideration. Amendments accepted during Senate floor debate included the following:

- —Two perfecting amendments offered by Senators Warner and Byrd, stating the determination of Congress that the circumstances existing in the Persian Gulf region justified an administration report and comprehensive congressional review of the use of U.S. military forces in that region—agreed to en bloc, 54–44;
- —A Senator Helms amendment authorizing the U.S. Navy to sink, destroy, or neutralize any Iranian vessel, missile battery, or installation which threatened the safe passage of any American warship or other vessels carrying an American citizen on board—agreed to 82–10;

- —A Senator Dole amendment stating that the resolution would not limit the President's constitutional powers as Commander-in-Chief to utilize American military forces in self-defense—agreed to 94–0;
- —A Senator Boren amendment expressing the sense of the Senate with regard to the President's actions in the Persian Gulf on October 19, 1987-agreed to 92–1;
- —A Senator Weicker amendment requiring the President to submit the report within 30 days instead of 60 days after the enactment of the resolution—agreed to 59–38; and,
- —A Senator Weicker amendment stating that nothing in the language of the resolution would be construed as complying with, modifying or negating any provision of the War Powers Resolution of 1973 (P.L. 93–148)—agreed to by unanimous consent.

S.J. Res. 194, as amended, was agreed to in the Senate on October 21, 1988, by voice vote. On October 26, 1987, the joint resolution was referred to the House Rules and House Foreign Affairs Committees, but received no further action in 100th Congress.

PROVIDING AUTHORIZATION UNDER THE WAR POWERS RESOLUTION FOR THE CONTINUED USE OF U.S. ARMED FORCES IN THE PERSIAN GULF

With respect to U.S. Armed Forces in the Persian Gulf, Senate Joint Resolution 305 declared that the reporting requirements of the War Powers Resolution became operative on April 14, 1988. The resolution authorized the President to continue to deploy U.S. Armed Forces in the Persian Gulf and allowed the use of such forces to convoy or escort vessels owned by any government or national of a country bordering the gulf as of June 1, 1987, up to 3 months after the expiration of the 60-day period specified in the War Powers Resolution.

S.J. Res. 305 was introduced by Senator Adams on April 26, 1988, and referred to the Foreign Relations Committee. The committee considered the resolution on May 13, 1988, but was discharged from further consideration on May 25, 1988, pursuant to the privileged status under section 6(a) of Public Law 93–148. The resolution was taken up in the Senate on June 6, 1988, but was returned to the Foreign Relations Committee on the same day when a point of order against the privileged status was sustained in the Senate by a vote of 54–31.

Western Hemisphere

SUPPORT FOR THE RESTORATION OF GENUINE DEMOCRACY IN CHILE

Senate Joint Resolution 370 expressed U.S. support for the restoration of full democracy in Chile, condemned Chilean violence, and urged the Chilean Government to create a climate of free and fair competition before the upcoming plebiscite. Related to the plebiscite, S.J. Res. 370 called on the Government of Chile to guarantee registration of voters, access to the media, freedom of assembly, access by international visitors to monitor polling places, and the public tabulation of ballots. S.J. Res. 370 was submitted on August 11, 1988, by Senator Harkin for himself and Senators McCain, Lugar, Kennedy, Kassebaum, Graham, Durenberger, and Dodd. On

October 18, 1988, the Senate agreed to include the joint resolution as an amendment to S. 2751, the Montana Natural Resources Protection and Utilization Act of 1988. That act was subsequently pocket-vetoed.

USE OF DOD COMMISSARY AND EXCHANGE STORES BY EMPLOYEES OF THE PANAMA CANAL COMMISSION

Senate Concurrent Resolution 111 expressed the sense of Congress that the Government of Panama should temporarily waive restrictions in the Panama Canal Treaty of 1977 that prohibit the United States from permitting U.S. citizens employed with the Panama Canal Commission from making purchases in the commissary and exchange stores operated in Panama by the Department of Defense. The resolution requested that the waiver remain in effect until the current economic and political crisis in Panama subsides. Senator Thurmond introduced S. Con. Res. 111 on March 31, 1988 for himself and Senators Helms, D'Amato, and Dodd. The resolution was agreed to in the Senate on March 31, 1988 by voice vote, without amendment or referral to committee. S. Con. Res. 111 was sent to the House on April 11, 1988, but no further action was taken in the 100th Congress.

URGING TRANSITION TO DEMOCRACY IN PANAMA

Senate Concurrent Resolution 108 expressed the sense of Congress that the situation in Panama constituted an extraordinary threat to the United States, warranting immediate U.S. action to impose additional pressure on General Noriega in order to obtain his extradition from Panama. The resolution also stated that the United States should provide additional support and consider a comprehensive package of emergency economic assistance to President Delvalle's transition government to assist in rebuilding Panama's economy after General Noriega had left the country.

Senator Kennedy submitted S. Con. Res. 108 to the Senate on March 24, 1988, for himself and 11 cosponsors. The resolution was considered by the Senate on March 25, 1988, and was agreed to without amendment by a vote of 920. On March 28, 1988, S. Con. Res. 108 was sent to the House, where no further action was taken.

RESTORATION OF DEMOCRACY IN PANAMA

Senate Concurrent Resolution 140 was introduced By Senator Kennedy and nine cosponsors on August 11, 1988. As introduced, the resolution expressed the sense of Congress that the United States should work with Panamanian President Eric Delvalle and other governments in the region to achieve the early departure of General Manuel Noriega from office in Panama; to promote the creation of a transitional government; and to guarantee free and fair elections to be held in 1989 as provided in Panama's constitution. In the event that democracy had been restored to Panama, the resolution further stated that United States should consider providing economic support fund assistance, emergency food assistance, development assistance, housing guarantees, resources from the exchange stabilization fund, and foreign military sales credits to the people of Panama.

S. Con. Res. 140 was referred to the Foreign Relations Committee and was favorably reported on September 27, 1988, without amendment and with a preamble. Two amendments were introduced jointly by Senators Armstrong and Gramm during Senate floor consideration on October 1, 1988. Both amendments sought to promote economic growth and democracy in Panama through free enterprise, constitutional guarantees of fundamental economic rights, and limited government. S. Con. Res. 140, as amended, passed the Senate on October 1, 1988, by voice vote. The measure was referred to the House on October 3, 1988, but no further action was taken in the 100th Congress.

SUPPORTING DEMOCRACY IN PANAMA

Senate Joint Resolution 267 expressed the full support of the American people, and urged the support of the U.S. Government, the Organization of the American States, and the United Nations, for Panama's President Delvalle and his efforts to assert civilian authority and restore democracy in Panama. The resolution urged the U.S. Government to formally terminate all contacts with General Noriega, impose economic sanctions if General Noriega refused to step down as commander of the Panamanian Defense Forces, and study the impact of a shutdown of the trans-Panama pipeline on the energy supplies and national security of the United States and the economy of Panama. In the event that progress toward democracy was achieved, S.J. Res. 267 stated that the U.S. Government should put together an aid package for Panama.

On February 29, 1988, S.J. Res. 267 was introduced by Senator Kennedy on behalf of himself and Senators Durenberger, Kerry, Pell, Dodd, D'Amato, Cranston, and Graham. On March 4, 1988, the Committee on Foreign Relations favorably reported the resolution, with amendments and without written report. S.J. Res. 267 was placed on the Senate legislative calendar, but no further action was taken in the 100th Congress.

DISAPPROVING THE PRESIDENT'S CERTIFICATION FOR U.S. ASSISTANCE TO THE BAHAMAS, PANAMA, AND MEXICO

During the 100th Congress, the Senate considered a number of resolutions expressing the disapproval of Congress concerning the President's certification of U.S. assistance to the Bahamas, Panama, and Mexico, respectively, under section 481(h) of the Foreign Assistance Act of 1961, relating to countries that fail to take adequate measures to prevent illicit drugs and controlled substances from illegally entering the United States.

On March 17, 1987, Senator Kerry introduced Senate Joint Resolution 90 (Bahamas), S.J. Res. 91 (Panama), and S.J. Res. 92 (Mexico) on behalf of himself and Senators Helms, McConnell, D'Amato, Wilson, and Trible. The committee considered the three decertification resolutions on March 24, 1987. As modified by a committee amendment offered by Senators Dodd and McConnell, the primary purpose of these resolutions was to require the President to provide additional information concerning his March 2, 1987, certification of the specified countries. The committee rejected, by a vote of 6–13, a secondary amendment offered by Senator

Kerry to withhold U.S. assistance for FY 1987 if Congress enacted a joint resolution disapproving the findings of the President's additional report. On March 26, 1987, the committee voted 15-4 to report the three decertification resolutions, as amended. Senators Kerry, Helms, Pressler, and Murkowski voted against reporting the resolutions.

On April 3, 1987, the Senate voted to table S.J. Res. 90 (Bahamas) and S.J. Res. 92 (Mexico) by votes of 54-34 and 49-38, respectively. A similar motion to table S.J. Res. 91 (Panama) was defeated by a vote of 31-58, and the measure subsequently passed the Senate by voice vote on April 3, 1988. S.J. Res. 91 was referred to the House Committee on Banking, Finance, and Urban Affairs on April 7, 1988, where it died in committee.

The committee considered two additional resolutions of disapproval, Senate Joint Resolution 268 and Senate Joint Resolution 292, on April 12, 1988. After extensive discussion, the committee failed to approve, by virtue of an 8-8 tie vote, S.J. Res. 268 disapproving the President's certification of Mexico, which was introduced on March 2, 1988 by Senator Wilson for himself and 12 cosponsors. On April 14, 1988, the committee was discharged from further consideration by voice vote, and S.J. Res. 268 was agreed to in the Senate without amendment by a vote of 63-27. The joint resolution was sent to the House on April 18, 1988, where it was referred to the Committee on Foreign Affairs, and the Committee on Banking, Finance and Urban Affairs.

The committee, however, voted 10-6 to report Senate Joint Resolution 292 as an original resolution in lieu of Senate Joint Resolution 279, which was introduced by Senators Kerry and Trible, and referred to the committee on March 24, 1988. S.J. Res. 292 was debated in the Senate on April 14, 1988, but was ultimately defeated by a vote of 40-53.

During Senate floor debate of S.J. Res. 292, Senators Pell, Specter, Trible, Kerry, and McConnell argued that the Government of the Bahamas had failed to take sufficient action against the flow of drugs from that country to the United States. Senator Pell noted that serious allegations about corruption in the Bahamian Government—charges of high-level bribes, protection for traffickers in remote areas, illegal sale of seized drugs by policy officials, and the failure to respond to certain U.S. extradition concerns—had called into question the underlying sincerity of that Government and its ability to "fully cooperate" in the anti-drug war.

Senators Hatch, DeConcini, Kassebaum, and Chafee strongly advised against the resolution of disapproval, noting that by the admission of those U.S. agencies most directly involved in the drug interdiction effort, the Bahamas is the most cooperative nation in the Caribbean basin.

CLASSIFICATION OF HAITI AS A MAJOR DRUG-TRANSITING NATION

Senate Joint Resolution 285 expressed the sense of Congress that Haiti fell within the definition of major drug-transiting nations under the Foreign Assistance Act of 1961 and should be classified as a major drug transshipment nation, subject to the certification process mandated by section 481(h) of that act. S.J. Res. 285 was introduced by Senator Kerry on March 31, 1988, for himself and Senators Helms, Durenberger, Graham, Gore, Conrad, and DeConcini, and was referred to the Committee on Foreign Relations. The committee considered the joint resolution on April 12, 1988, and ordered the measure reported, without amendment or written report. S.J. Res. 285 passed the Senate on April 14, 1988, by voice vote, without amendment. The joint resolution was received in the House on April 18, 1988, and was referred to the House Committees on Foreign Affairs, and Banking, Finance, and Urban Affairs where no further action took place.

CONGRATULATING COSTA RICAN PRESIDENT OSCAR ARIAS SANCHEZ

Senate Concurrent Resolution 83 congratulated Costa Rican President Oscar Arias Sanchez on being awarded the 1987 Nobel Peace Prize. S. Con. Res. 83 also recognized the signing of the August 7 Guatemala peace accord as a historic achievement, urged the parties to the accord to implement all of its provisions in good faith, and pledged the support and full cooperation of Congress toward such implementation. S. Con. Res. 83 was introduced on October 14, 1987, by Senator Byrd for himself and 14 cosponsors. The resolution was agreed to in the Senate on October 15, 1987, by a vote of 92–3, without referral to committee and with a minor modification. S. Con. Res. 83 was referred to the House Foreign Affairs Committee, but no further action was taken on the Senate concurrent resolution.

Instead, the House took up House Concurrent Resolution 200 which similarly congratulated Costa Rica's President, but did not address the Guatemala peace accord or pledge Congress' support for its implementation. H. Con. Res. 200 passed the House on October 20, 1987, by a vote of 392–18, and was received in the Senate October 21, 1987. On October 22, 1987, the House resolution was indefinitely postponed in the Senate by unanimous consent.

CONGRATULATING THE CENTRAL AMERICAN HEADS OF STATE FOR THEIR CONTRIBUTION TO REGIONAL PEACE

Senate Concurrent Resolution 24 applauded the recent initiative by the Heads of State of Costa Rica, El Salvador, Guatemala, and Honduras, and congratulated them on their significant contribution in formulating a regional proposal for ending armed conflict and reinforcing democracy in Central America. S. Con. Res. 24 was introduced on February 26 by Senator Sanford for himself and Senators Dodd, Byrd, Evans, Kerry, Lugar, Trible, Pell, and Bingaman. The measure was ultimately cosponsored by 17 additional Senators.

On March 6, 1987, the Foreign Relations Subcommittee on Western Hemisphere and Peace Corps held a public hearing pertaining to S. Con. Res. 24. On March 10, 1987, the full committee voted 19–0 to favorably report the resolution with amendments, and without written report. As amended by the committee, S. Con. Res. 24 passed the Senate on March 12, 1987 by a vote of 97–1. S. Con. Res. 24 was received in the House on March 12, 1987, and was referred to the Foreign Affairs Subcommittee on Western Hemisphere Affairs, but no further action resulted.

ADVANCING DEMOCRACY IN NICARAGUA

As originally introduced, Senate Joint Resolution 351 stated that it was the policy of the United States to advance democracy, security, and peace in Central America consistent with the Guatemala Peace Accords, the Declaration of the Presidents of the Central American nations, the Sapoa Agreement, and U.S. security interests. The resolution further declared that it was the objective of U.S. policy to enhance the security of the United States and democratic countries of Central America by assisting in the advancement of democracy in Nicaragua; bringing an end to all Soviet, Cuban, and Communist-bloc military assistance to Nicaragua; stopping Nicaragua's aggression against its Central American neighbors; and reducing Nicaraguan military forces to a level consistent with that of other countries in the region.

S.J. Res. 351 required the President to report bimonthly to the Congress on Nicaraguan noncompliance with the Esquipulas II accord and receipt of foreign military or security assistance from Soviet-bloc countries.

The resolution authorized the transfer of specified funds from defense appropriation accounts to the Agency for International Development for humanitarian assistance, civic action, nonmilitary training, and transportation of assistance for the Nicaraguan democratic resistance. The resolution also authorized Presidential transfer of funds for other assistance, including lethal assistance and indemnification of aircraft leased to transport assistance. S.J. Res. 351 prohibited delivery of such escrowed assistance without subsequent congressional approval, and provided for suspension of lethal assistance to the Nicaraguan democratic resistance upon a cease-fire agreement.

S.J. Res. 351 was introduced on July 13, 1988, by Senator Dole for himself and Senators McCain, Evans, Stevens, Kassebaum, Lugar, Armstrong, Kasten, Nickles, and Domenici. On July 25, 1988, the resolution was read the second time and placed on the legislative calendar under general orders, but no further action was taken in the Senate.

A modified version of S.J. Res. 351 was introduced by Senator McCain on October 18, 1988, as an amendment to S. 2751, the Montana Natural Resources Protection and Utilization Act of 1988.

As modified, the amendment expressed Senate findings that the Sandinista regime had continued its blatant violations of the Esquipulas II accord by receiving unacceptably large Soviet-bloc military assistance, and by taking advantage of the Sapoa accord to strengthen its military position. Consequently, the amendment stated that the United States should respond to Nicaraguan violations of the Esquipulas II accord by continuing U.S. efforts to strengthen the internal democratic resistance and independent media of Nicaragua, and to continue humanitarian assistance to the democratic resistance. The McCain amendment stated that if the Sandinista regime would comply with its commitment to democratize, the United States should consider lifting its economic embargo against Nicaragua. Failure to comply with that accord, however, could very likely cause, according to the amendment, Congress to approve additional military assistance for the democratic resistance. The modified amendment did not, authorize, however, the transfer of funds to the Nicaraguan democratic resistance.

S. 2751, which included the McCain amendment, was subsequently pocket-vetoed.

IMPOSING A MORATORIUM ON U.S. ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

House Joint Resolution 175 imposed a moratorium on additional U.S. assistance to the Nicaraguan democratic resistance until the President had provided Congress with a full accounting of previous assistance, including the sale of arms to Iran, humanitarian assistance, or any other assistance received by the democratic resistance. H.J. Res. 175 required the President, to submit, no later than 180 days after enactment, an accounting of such assistance to the House and Senate Select Intelligence Committees.

Having passed the House on March 11, 1987, by a vote of 230–196, H.J. Res. 175 was received in the Senate on March 12, 1987, and a motion to proceed to consideration of the measure was made by Senator Byrd on March 18, 1987. On the following day, a cloture motion on the motion to proceed was presented in the Senate. Two additional cloture motions were subsequently presented on March 20 and March 23, 1987. All three cloture motions were narrowly defeated by votes of 46–45, 50–50, and 54–46, respectively. On March 30, 1987, H.J. Res. 175 was indefinitely postponed for the remainder of the 100th Congress.

ASSISTANCE FOR THE NICARAGUAN RESISTANCE

On January 27, 1988, the President transmitted to Congress the administration's request for continued lethal and nonlethal assistance to the Nicaraguan democratic resistance. On the following day, Senators Dole, Simpson, Stevens, McCain, Hollings, Bentsen, Shelby, and Stennis introduced Senate Joint Resolution 243—a resolution authorizing the additional moneys and authorities requested by the President. The timing, text and congressional procedures of the President's request were governed by the provisions of Public Law 100-202 (House Joint Resolution 395, the Continuing Appropriations Resolution for FY 1988).

S.J. Res. 243 called for more than $60 million in additional assistance for the Nicaraguan resistance. The request included $3.6 million in lethal assistance (weapons, weapons systems, and ammunition); $32.65 million in nonlethal assistance; and $20 million to provide self-insurance against loss damage of leased aircraft. In addition, the joint resolution authorized the Department of Defense to make available electronic equipment, radar and other defense equipment (a cost estimate was not included in the request, but an unofficial committee estimate placed this expense at $8 million). The assistance requested by the President would be monitored and managed by the Central Intelligence Agency, and would be provided over a 4-month period ending June 30, 1988.

The lethal assistance requested by S.J. Res. 243 would be placed in escrow until March 31, 1988; after which time the escrowed funds could be released upon certification by the President that a mutually agreed upon cease-fire had not been instituted due to lack of good faith on the part of the Nicaraguan Government, and that the Nicaraguan resistance had demonstrated good faith in trying to achieve a cease-fire. However, during the escrow period, materials of a military nature could be delivered under the resolution's broad definition of nonlethal assistance.

The Foreign Relations Committee was required under the provisions of the Public Law 100-202 to report the joint resolution to the full Senate by close of business on February 2, 1987, for a vote. The committee considered S.J. Res. 243 at its business meeting on February 2, 1987, and voted 10-0 to report the measure unfavorably to the full Senate.

In its report (S. Rept. 100-282), the committee stated its belief that the President's request stood in stark violation of the terms of the Esquipulas II Agreement adopted by the five Central American Presidents on August 5, 1987, and would place the successful implementation of that agreement in serious jeopardy. The committee, therefore, strongly recommended that the full Senate reject S.J. Res. 243.

The committee would have preferred that, consistent with the Esquipulas II Agreement, the President had limited his request for additional assistance to "truly humanitarian" assistance to be distributed through appropriate regional and international entities. The committee also stated that it did not believe that U.S. assistance provided to the Contras since 1981 had been money well spent, but that "evidence strongly indicates that the policy has been a dismal failure at encouraging or pressuring the Nicaraguan Government to democratize".

After an identical resolution, House Joint Resolution 444, was defeated in the House on February 3, 1987, by a vote of 211-219, the Senate agreed to S.J. Res. 243 on February 4, 1987, by a narrow vote of 51-48. Since approval by both chambers was necessary for the President's request to become law, the Senate vote was generally considered symbolic.

REGIONAL ECONOMIC DEVELOPMENT AND RECOVERY PROGRAM FOR CENTRAL AMERICA

Senate Concurrent Resolution 63 expressed the sense of Congress that the President should encourage and assist Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua in the formulation and implementation of a regional economic development and recovery program. The resolution further urged the President to encourage other countries to join in extending such assistance to those Central American countries that have made substantial progress toward an open political system and peacekeeping mechanisms in their region.

S. Con. Res. 63 was introduced on June 25, 1987, by Senator Sanford and 15 cosponsors, and was referred to the Foreign Relations Committee. On November 13, 1987, the Subcommittee on International Economic Policy held public hearings pertaining to the resolution. The committee reported the resolution on July 27, 1988, without amendment or written report. During Senate floor debate on August 5, 1988, Senator Sanford offered an amendment which added Belize to the list of Central American countries contained in the resolution. The amendment was agreed to by voice vote, and S. Con. Res. 63 subsequently passed the Senate on August 8, 1988 by a vote of 92–3. The resolution was referred the House Foreign Affairs Committee on August 8, 1988, but no further action was taken.

ECONOMIC ASSISTANCE TO THE CENTRAL AMERICAN DEMOCRACIES

S. 184 was introduced by Senator Dodd for himself and Senator Weicker on January 6, 1987, as a comprehensive alternative to current U.S. policy with respect to Nicaragua. Under the main provisions of the bill, further aid to the Contra forces would be terminated, and an additional $300 million in economic support funds (ESF) to Costa Rica, El Salvador, Guatemala, and Honduras would be authorized in order to strengthen these democracies and to foster a regional solution to the problems confronting Central America.

The bill would also have terminated U.S. economic assistance to third parties which provided assistance to the Contras; prohibited export to the Contras of any goods, services, or technology subject to the jurisdiction of the United States; and provided authority to use any unexpended funds previously appropriated for the Contras, to relocate and resettle them, to fund the Contadora initiative, and to support the internal civilian democratic opposition in Nicaragua.

S. 184 was referred to the Foreign Relations Committee on January 6, 1987. The committee held hearings on the bill on January 28 and February 5, 1987, during which testimony was received from the bill's principal sponsors; the Assistant Secretary of State for Inter-American Affairs; the State Department's Special Envoy for Centra America; and representatives of the Inter-American Dialogue, American Security Council Foundation, and Inter-American Defense Board.

At its business meeting on February 18, 1987, the committee adopted, by a vote of 15–5, a Sanford amendment which set forth the bill's alternative policy language in a sense-of-the-Congress form. Senators Lugar, Boschwitz, Pressler, Trible, and McConnell voted against the amendment. The committee also approved, by a narrow 11–9 vote, an amendment offered by Senator Kerry which conditioned the provision of economic assistance on significant progress on respect for human rights, judicial and police reforms, and the holding of periodic elections. Senators Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell voted against the Kerry amendment.

The committee also rejected two amendments during its consideration: an amendment offered by Senator Helms to prohibit funding to the Contras until the Nicaraguan resistance forces freely elect a permanent directorate (tabled by a vote of 11–9); and an amendment offered by Senator Simon to delete the bill's prohibition against U.S. economic and military assistance, sales, or transfers to third countries which provide assistance to the Contras (by a tie vote of 9–9).

The committee ordered S. 184 reported favorably, as amended, by a vote of 11–9. Senators Zorinski, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, and McConnell voted not to report the bill.

In its report (S. Rept. 100-12), the committee stated that "providing any form of assistance to the Contras is no longer in the foreign policy or national security interest of the United States". However, the committee recognized a moral obligation on the part of the United States not to simply abandon the Contras and, therefore, provided authority to use unexpended funds to relocate these forces away from border areas of conflict. The committee also emphasized its expectation that ESF funds authorized by this bill be used to carry out development activities and as an inducement for recipient countries to improve human rights and to undertake judicial and police reforms.

While supporting the overall thrust and objectives of S. 184 to cut off aid to the Contras and to encourage a negotiated settlement in the Central American region, Senator Zorinski withheld his support of the measure due to the $300 million in additional funds that would be made available to the four Central American democracies. Given the fungibility of ESF cash-grant transfers, the money provided by this bill could be spent by the recipient governments for military rather than non-military purposes.

Senator Helms noted that the proposal to cut off presently authorized assistance to the Contras is too drastic and would, in effect, abandon the freedom fighters and their hope for democracy in Nicaragua. Rather, Senator Helms argued that the Nicaraguan resistance should be encouraged and allowed to establish an independent, broadbased leadership before funds are cut off and the Nicaraguan people are abandoned.

S. 184 was reported to the Senate on March 6, 1987, and was placed on the Senate legislative calendar. The measure did not receive any further action in the 100th Congress.

PROHIBITING THE SALE TO HONDURAS OF CERTAIN DEFENSE ARTICLES

The purpose of Senate Joint Resolution 128 was to prohibit the sale to Honduras of F-5E/F aircraft with related spare parts, munitions, support equipment, and training services. Responding to the Honduran Government's request for United States help in upgrading the Honduran air force, on May 12, 1987, the Reagan administration formally notified Congress, in compliance with the Arms Export Control Act, of its intent to sell to Honduras 12 F-5E/F aircraft. The estimated cost of this sale was $75 million, to be financed under the grant Military Assistance Program.

The question of selling advanced aircraft to Honduras was discussed in depth at the committee's March 5, 1987 hearing and April 23 markup of the President's foreign assistance request for FY 1988. On May 21 and June 2, 1987, the committee held hearings on S.J. Res. 128, which was introduced on May 13, 1987 by Senators Dodd and Pell and 10 additional cosponsors. On June 2, 1987, the committee voted 10-9 to report S.J. Res. 128 to the full Senate. Senators Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell voted not to report the resolution.

In its report (S. Rept. 100-63), the committee decided that, on balance, the risks posed by the proposed arms transfer significantly outweighed any purported benefits. In this regard, the committee emphasized three major risks inherent in the proposed arms sale. First, the committee expressed concern that the introduction of supersonic aircraft into the region could induce the acquisition by Nicaragua of Mig-21's from the Soviet Union or Cuba. The arms sale to Honduras could also trigger a more general regional arms race if other Central American nations felt compelled to maintain its military balance vis-a-vis the newly upgraded Honduran air force. Second, on the political level, the committee expressed concern that the proposed sale could have an adverse effect on the Central American peace process. Finally, the committee argued that scarce foreign aid resources for Honduras would be better used to address the extreme economic and social conditions of the Honduran people, rather than expended on weaponry far more sophisticated and generally less effective in meeting the kind of ground attack threat Honduran security was likely to experience.

S.J. Res. 128 was placed on the Senate legislative calendar, but was indefinitely postponed on June 23, 1987.

Soviet Union and Eastern Europe

THE BERLIN WALL

Senate Concurrent Resolution 82 urged the German Democratic Republic Chief of State, Erich Honecker, to repeal the order directing East German border guards to shoot to kill anyone attempting to cross the Berlin Wall, and to issue an order to tear down the Berlin Wall. S. Con. Res. 82 was introduced on October 13, 1987, by Senator Lugar for himself and 16 cosponsors, and was referred to the Foreign Relations Committee. The committee reported the resolution to the full Senate on March 3, 1988, without amendment or written report. S. Con. Res. 82 passed the Senate on March 4, 1988 by voice vote, but no further action was taken by the House.

SALUTE TO VLADIMIR AND MARIA SLEPAK OF THE SOVIET UNION

Senate Concurrent Resolution 90 welcomed Vladimir and Maria Slepak to the United States, and saluted their courage and that of other human rights activists in the Soviet Union. S. Con. Res. 90 was introduced on November 17, 1987, by Senator Heinz for himself and 11 cosponsors, and was agreed to in the Senate on the same day by voice vote. S. Con. Res. 90 was sent to the House on November 19, 1987, and was referred to the House Foreign Affairs Committee, but no further action was taken during the 100th Congress.

SOVIET HUMAN RIGHTS POLICY

Senate Concurrent Resolution 8 protested continued repression in the Soviet Union—especially the new emigration regulations—and called for the release and emigration of specified individuals. The resolution viewed such abuses as an impediment to bilateral relations with the United States, and declared the support of the 100th Congress for the restoration of human rights to all Soviet citizens, especially Soviet Jews, to emigrate.

S. Con. Res. 8 was introduced by Senator Byrd on January 16, 1987 on behalf of himself and 31 cosponsors. The resolution was agreed to in the Senate on January 21, 1987, by a vote of 99-0, without amendment or referral to committee. The concurrent resolution was sent to the House on January 22, 1987, and was referred to the House Foreign Affairs Subcommittees on Europe and the Middle East, and Human Rights and International Organizations. No further action was taken by the House in the 100th Congress.

UNRESTRICTED VISITS BETWEEN RELATED PEOPLE RESIDING IN THE UNITED STATES AND SOVIET UNION

Senate Concurrent Resolution 29 expressed the sense of Congress that the promotion of unrestricted family visits between related people of the United States and the Soviet Union is an essential part of United States policy; and should be raised by the President, the Secretary of State, and other administration officials in discussions with officials of the Soviet Union. Senator DeConcini introduced S. Con. Res. 29 on March 11, 1987 for himself and 51 cosponsors.

The concurrent resolution was referred to the Foreign Relations Committee, and was reported by the committee on July 28, 1987, without amendment or written report. S. Con. Res. 29 passed the Senate on July 29, 1987 by voice vote, and was received in the House on August 3, 1987, where it was referred to the House Foreign Affairs Subcommittees on Human Rights and International Organizations, and Europe and the Middle East. While no further action was taken on S. Con. Res. 29, an identical resolution, H. Con. Res. 68, passed both the House and Senate.

COMMENDING THE CZECHOSLOVAK HUMAN RIGHTS ORGANIZATION

Senate Concurrent Resolution 31 commended the Czechoslovak human rights organization Chapter 77, on the occasion of the 10th anniversary of its establishment and courageous contribution to the achievement of the aims of the Helsinki Final Act. The resolution also called upon the Government of Czechoslovakia to cease its persecution of those involved in Chapter 77 and other human rights activities. S. Con. Res. 31 was submitted in the Senate on March 3, 1987, by Senator Pressler for himself and 13 cosponsors. The resolution was reported by the Foreign Relations Committee on November 3, 1987, and on the following day was agreed to in the Senate by voice vote. The resolution was referred to the House Foreign Affairs Committee on November 9, 1987, where no further action was taken on either S. Con. Res. 31 or a companion measure, House Concurrent Resolution 14.

DESIGNATION OF "SOLIDARITY CORNER"

S. 2426 sought to designate the portion of 16th Street, Northwest, in the District of Columbia, between the Embassy of Poland and Fuller Street, as "Solidarity Corner". S. 2426 was introduced on May 24, 1988, by Senator Metzenbaum for himself and 18 cosponsors, and was agreed to on the same day by voice vote, without referral to committee. On May 25, 1988, the measure was sent to the House where it was referred to the Committees on Foreign Affairs and District of Columbia. The Foreign Affairs Subcommittee on Europe and the Middle East held a markup session on July 12, 1988, but no further action was taken by the full committees.

AFRICA

PROPOSED U.S. RESPONSE TO SOUTH AFRICAN BAN ON POLITICAL OPPOSITION

Senate Resolution 384 expressed the Senate's concern regarding the ban imposed by the South African Government in February 1988, on the political activities of certain anti-apartheid organizations and individuals, and denial of passports to anti-apartheid activists. The resolution urged the United States Government to increase pressure on the South African Government through political, diplomatic, and economic measures, and called on the President to take immediate action to achieve numerical equivalence in diplomatic missions representing each nation. The resolution also stated that temporary United States visas should be granted to South Africans on a case-by-case basis only after consideration of the South African Government's record of granting passports to South African citizens, particularly those who are members of anti-apartheid organizations seeking to visit the United States.

S. Res. 384 was introduced by Senator McConnell on February 26, 1988, for himself and 19 cosponsors, and referred to the Foreign Relations Committee. The committee considered the resolution on March 4, 1988, and voted 17-0 to favorably report the resolution to the Senate.

In its report (S. Rept. 100-299), the committee expressed its concern that recent actions taken by the South African Government—to ban anti-apartheid leaders, to prohibit the political activity of anti-apartheid organizations, and to deny passports—served to further eliminate peaceful opposition to apartheid and represented a major setback in an urgently needed process of democratic reform.

In his additional views to the committee report, Senator Helms criticized the resolution as more of the same "misguided policy" of political, diplomatic, and economic sanctions that Congress first imposed in 1986. More specifically, Senator Helms charged that the resolution's call for numerical equivalence in diplomatic missions is neither a relevant nor appropriate response to recent actions of the South African Government. He argued that the visa provision, "while allegedly aimed at encouraging an increased flow of differing viewpoints from South Africa", actually provided a veiled threat of U.S. restrictions on entry of South Africans into the United States—a visa-related discrimination considered to be reprehensible when imposed by the South African Government.

S. Res. 384 was placed on the Senate legislative calendar on March 16, 1988, but was never considered by the full Senate.

ANTI-APARTHEID AMENDMENTS ACT OF 1988

The purpose of S. 2756, the Anti-Apartheid Amendments Act of 1988, was to promote political, economic, and social change leading to the dismantling of apartheid and the establishment of a nonracial, democratic political system in South Africa. The act proposed to achieve this goal by strengthening existing economic and political sanctions imposed by Congress under the Comprehensive Anti-Apartheid Act of 1986; by enlisting Presidential leadership for an international campaign of economic and diplomatic pressure against apartheid; and by providing $40 million in economic support funds to disadvantaged South Africans.

S. 2756 would have imposed a ban on all United States investment in South Africa; all United States exports to South Africa; all imports from South Africa; all nuclear trade and intelligence cooperation; and the transporting of oil to South Africa. The proposed sanction would not have included investments in or imports from firms owned by South Africans disadvantaged by apartheid; United States publications, humanitarian relief articles, agricultural commodities, new media equipment, and public and private United States aid to South Africans disadvantaged by apartheid; strategic mineral imports; and the collection of necessary intelligence concerning Cuban and other Communist forces in southern Africa.

In addition to the five conditions for termination of sanctions specified in the 1986 act, S. 2756 added as a sixth condition to that list—the granting of independence to Namibia. In order to strengthen the sanctions provisions of the 1986 act, the bill also established a position of South Africa sanctions coordinator in the Department of State as well as an Interagency Coordinating Committee on South Africa.

To strengthen the multilateral provisions of the 1986 act, the bill directed the President to begin negotiations with other nations to reach cooperative agreements imposing multilateral sanctions on South Africa, to pursue sanctions against South Africa at the United Nations, and to retaliate against foreign firms taking advantage of such sanctions.

Finally, the bill called on the President to develop a program for reducing United States dependence on strategic minerals from South Africa; to discuss South African circumvention of United States sanctions with the frontline states; and to report to Congress on United States actions to reduce South Africa's foreign exchange earnings from gold sales, and on that countries involvement in terrorism.

The committee held 3 days of public hearings on June 22, 23, and 24, 1988, on U.S. policy options toward South Africa, and a closed hearing with the Senate Intelligence Committee on July 28, 1988, to discuss intelligence cooperation between the United States and South Africa. On August 11, 1988, the House passed a South African sanctions legislation, H.R. 1580. On September 7, 1988, Senators Cranston, Kennedy, Weicker, and Simon introduced S. 2756, which was nearly identical to the H.R. 1580. On September 8 and 9, 1988, the committee met to consider legislation regarding South Africa, and chose as its markup vehicle, S. 2756. On September 14, 1988, the committee voted 10–9 to report S. 2756 to the full Senate. Senators Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell voted not to report the bill.

In its report (S. Rept. 100–545), the committee noted that by enacting the Anti-Apartheid Act of 1986, Congress had signalled its rejection of the administration's failed policy of "constructive engagement" in favor of a policy that would bring political and economic pressure to bear on the South African Government. Although the committee recognized that the sanctions imposed under the 1986 act were limited and unilateral, the committee believed that these sanctions had been extremely effective in demonstrating the American people's opposition to apartheid, and that their effectiveness would be greatly enhanced if adopted by other nations. In this regard, the committee believed that the administration had attempted to undermine the utility of the sanctions by refusing, in accordance with provisions of the 1986 act, to coordinate and apply these sanctions multilaterally..

Senators Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell disagreed with the majority view of the committee. These committee members did not believe that S. 2756 would achieve its intended goal of dismantling apartheid. Rather, these Senators argued that the bill would have the unintended consequence, among other things, of totally disrupting American business activity and constructive presence in South Africa as a medium of progressive social change; undermining the sensitive negotiation in progress at that time between South Africa, Angola, and Cuba with respect to the independence of Namibia and the withdrawal of Cuban troops from Angola; and further impoverishing black South Africans.

On September 23, 1988, S. 2756 was placed on the Senate legislative calendar, but was never considered by the full Senate.

ARMS CONTROL TREATIES

ANTI-BALLISTIC MISSILE TREATY INTERPRETATION

Senate Resolution 167 declared Senate policy with respect to the treatymaking principles set forth in the U.S. Constitution, and the application of those principles to the interpretation of the Anti-Ballistic Missile (ABM) Treaty between the United States and the Soviet Union. S. Res. 167 stated that any development, testing, or deployment of specified ABM systems was inconsistent with the treaty and therefore required an amendment to be agreed to by both countries and approved by the Senate.

S. Res. 167 was introduced on March 12, 1987 by Senator Biden for himself and 20 cosponsors. The Foreign Relations and Judiciary Committees jointly held 3 days of public hearings on S. Res. 167 on March 11, March 26, and April 29, 1987. Appearing at these hearings were treaty negotiators, present and former Senators, constitutional scholars and legal experts, and current administration officials.

On May 19, 1987, the committee met to markup S. Res. 167. Senator Biden proposed minor modifications, which the committee adopted by unanimous consent. The committee voted 11-8 to report S. Res. 167 favorably.

As noted by the committee in its report (S. Rept. 100-164), the Anti-Ballistic Missile Treaty between the United States and the Soviet Union was approved by the Senate in 1972 by a vote of 88-2, and had been in force for the past 15 years. The treaty sought to enhance nuclear stability by codifying a permanent ban on nationwide ABM systems, and by sanctioning a highly restricted use of such systems in defense of fixed sites. The treaty's principal mechanism for achieving this goal was the imposition of a comprehensive and permanent ban on the development, testing, and deployment of mobile and space-based systems which could be used to erect a nationwide defense. At the same time, the treaty permitted a limited deployment of fixed land-based ABM systems to facilitate the protection of each country's retaliatory capability.

In 1985, however, the Reagan administration asserted a "reinterpretation" of the treaty whereby the development and testing of mobile and space-based systems would be permitted. This "reinterpretation" had raised significant constitutional concern over Presidential latitude and obligations in the interpretation and implementation of U.S. treaty commitments. In this regard, the committee emphasized that S. Res. 167 was "not an attempt, in a strict legal sense, at treaty interpretation"—which the committee maintained was the prerogative and responsibility of the President. Rather, S. Res. 167 represents Senate affirmation of constitutional principles pertaining to treaty interpretation; facts relevant to the ABM Treaty; and the deductive conclusion that only the traditional interpretation of the ABM Treaty was valid and constitutional.

S. Res. 167 was placed on the Senate legislative calendar, but was never considered in the full Senate.

THE THRESHOLD TEST BAN, AND PEACEFUL NUCLEAR EXPLOSIONS TREATIES

Senate Resolution 158, which was proposed in committee by Senators Kassebaum and Evans, expressed the sense of the Senate with regard to the U.S. commitment to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. The resolution stated that the President should seek to expand the provisions of these treaties with an agreement for effective verification; and to communicate U.S. commitment to these treaties to General Secretary Gorbachev of the Soviet Union. On February 19, 1987, the Foreign Relations Committee ordered the measure reported as an original resolution, at the same time as the committee approved resolutions of ratification of the two treaties. The actions were seen by the committee as complementary. S. Res. 158 was reported by Senator Pell on February 27, 1987, and was placed on the Senate legislative calendar. The measure was never considered by the Senate.

Miscellaneous Foreign Policy Matters

FOREIGN AID AUTHORIZATION

The principal purpose of S. 1274, the International Security And Development Cooperation Act of 1987, was to authorize appropriations of $11,149,980,284 for fiscal year 1988 military and economic assistance programs, including Peace Corps programs, the Inter-American Foundation, and the African Development Foundation. The bill would have also authorized $4,178,843,648 for multiyear U.S. contributions to the International Development Association, the Asian Development Fund, and the African Development Bank, subject to a $700 million appropriation ceiling for fiscal year 1988 contributions.

The Foreign Relations Committee incorporated some or all of the provisions of the following measures into an original foreign aid authorization bill: S. 475, S. Con. Res. 24, S. 630, S. 701, S. 720, S. 739, S. 750, S. 768, S. 792, S. 793, S. 815, S. 842, and S. 851. The committee and its subcommittees held nine hearings during February and March 1987 on the respective legislation, followed by a 4-day markup session on April 8, 9, 22, and 23, 1987. Senator Pell, the committee chairman, proposed a committee print to serve as a markup vehicle, which subsequently became S. 1274. On April 23, the committee voted 17-2 to favorably report S. 1274 to the full Senate. Senators Helms and Lugar cast the two dissenting votes.

On May 22, 1987, S. 1274 was placed on the Senate legislative calendar, but was never considered in the full Senate.

The first action taken by the committee in considering S. 1274, was adoption of the Pell/Helms funding mark establishing the general funding levels for fiscal year 1988 foreign assistance programs. The joint mark, offered on behalf of the committee chairman and ranking minority member, provided for a program-level freeze which would maintain all new authorizations for fiscal year 1988 at the level appropriated for each program for fiscal year 1987, as provided for in the fiscal year 1987 omnibus continuing resolution (P.L. 99-591). As reported, S. 1274 authorized a total of $11,850,000,000 for fiscal year 1988, which was $161 million below an absolute program level freeze, and $2.021 billion below the administration's request for a 13.5-percent increase in foreign aid programs for fiscal year 1988.

In general, the committee moved to increase the ratio of economic to military assistance above that requested by the administration, thus reaffirming its "strong commitment to nonmilitary, developmental solutions to Third World problems". The committee noted that while military and security assistance was a critical and necessary component of U.S. foreign policy, the challenge of meeting basic human needs in most developing countries was compelling. The committee therefore recommended a total of $6.092 billion for economic assistance—a figure representing 55 percent of the total bilateral aid authorization.

The following is a summary of the bill's major provisions.

PART A.—MILITARY ASSISTANCE PROGRAMS

The bill authorized $5,106 billion for the Foreign Military Sales Credit (FMS), grant military assistance (MAP), and international military eduction and training (IMET) programs. Of this amount, the committee earmarked $1.8 billion for Israel (FMS), $1.3 billion for Egypt (FMS), $343 million for Greece (FMS and MAP), $490 million for Turkey (FMS and MAP), $15 million for Tunisia (MAP), $88 million for the Philippines (MAP), $5 million for Guatemala (MAP), and $3 million for Narcotics Control (MAP and IMET).

The bill established a new category of FMS assistance in grant form, known as section 23 grants, for which both interest and principal would be forgiven; and authorized the administration to make FMS market rate loans, section 23 grants, or a combination of the two to all countries. FMS loans made at concessional rates, as was a current practice, was not provided for in the bill. Consistent with this decision, all military assistance funds earmarked for Israel and Egypt was to be provided as section 23 grants (forgiven FMS credits).

The bill also extended to Israel and Egypt, the existing authorization to transfer excess defence articles to NATO southern flank countries (Greece, Italy, Portugal, Spain, and Turkey).

In earmarking funds for Greece and Turkey, the committee adopted several provisions designed to promote stability and preserve the existing military balance in the Aegean, and to prevent a further deterioration of the situation on Cyprus. The committee moved to retain the 7:10 ratio in military aid to these two countries, and stipulated that the same proportion of each category of FMS financing, MAP grants, and value of excess defense articles that was extended to Turkey also be extended to Greece in fiscal year 1988. The bill prohibited the transfer to or use on Cyprus of U.S. military equipment provided to Turkey, except upon Presidential certification that Turkey's use of such equipment is necessary for the fulfillment of NATO responsibilities.

The committee particularly sought to ensure a fiscal year 1988 military aid program for the Philippines which would help reenforce Philippine President Aquino's efforts to bolster that country's armed forces. Accordingly, the committee shifted an additional $38 million in economic support funds to the $88 million in MAP funds earmarked for fiscal year 1988, bringing the total MAP aid closer to the $110 million proposed by the administration. In addition, the committee also provided for $29 million in FMS loans previously appropriated for the Philippines to be disbursed in the form of new section 23 grants.

PART B.—ECONOMIC ASSISTANCE PROGRAMS

The bill authorized $3.498 billion for the Economic Support Fund (ESF). Of this amount, the committee earmarked $1.2 billion for Israel, $815 million for Egypt, $162 million for the Philippines, $160 million for El Salvador, $110 million for sub-Saharan Africa, $100 million for Costa Rica, $80 million for Portugal, $80 million for Guatemala, $60 million for Honduras, $35 million for the Anglo-Irish Fund, $20 million for Jordan's Development Project for the West Bank and Gaza, $20 million for Tunisia, $15 million for Cyprus, and $15 million for the Afghan People.

The committee noted that ESF is the fastest growing U.S. economic aid program, particularly the balance-of-payments assistance in the form of cash grant transfers. The committee expressed its concern that the proliferation and questions about the responsible use of these cash transfers has lessened U.S. control over its bilateral economic aid resources. To ensure that cash grant transfers serve to enhance the economies of both recipient nations and the United States, the committee adopted an amendment offered by Senator Sarbanes which would require that foreign assistance provided as cash transfer, or an equivalent amount, be used by the recipient country to purchase U.S. good and services.

PART C.—DEVELOPMENT ASSISTANCE

The committee reaffirmed its strong belief that private voluntary organizations (PVO's) constitute an important adjunct to the U.S. bilateral development assistance program. The committee therefore included the provisions of S. 768, introduced earlier by Senator Pell, to enhance the partnership between AID and PVO's, thus expanding the role of PVO's in the development assistance programs.

The committee also reiterated that effective family planning, including a broad range of contraceptive methods and information about alternative means to plan families, was a crucial component in the U.S. bilateral development assistance program. Accordingly, the bill incorporated two provisions with respect to U.S. population policies—one offered by Senator Kassebaum and the other by Senator Evans—designed to reverse recent administration efforts to weaken or significantly curb the role played by nongovernmental organizations and the United Nations Fund for Population Activities (UNFPA).

PART D.—AFRICA

The committee expressed its concern about the steady economic decline in sub-Saharan Africa and recognized the urgent need for rebuilding Africa's infrastructure and addressing its development needs. The bill included a major new initiative based on legislation introduced by Senators Simon and Kassebaum and cosponsored by Senators Pell, Biden, Dodd, Kerry, and Moynihan, which was designed to improve the effectiveness of U.S. assistance to Africa and to increase the involvement of Africans in their own development. In this regard, the bill added a new chapter 7 to the Foreign Assistance Act of 1961 which authorized $450 million for famine recovery and long-term development in sub-Saharan Africa.

This amount, combined with the $110 million in Economic Support Funds, brought the bill's total funding specifically designated for Africa to $560 million. $50 million of the Economic Support Fund was further earmarked by the committee for sector projects supported by the Southern African Development Coordination Conference (SADCC), which was created in 1980 to promote regional economic cooperation among the black ruled states of southern Africa and to reduce their economic dependence on South Africa. The committee firmly believed that U.S. assistance to the SADCC was an important symbol of support for the black ruled states of southern Africa.

PART E.—LATIN AMERICA AND THE CARIBBEAN

As noted by the committee in its report, the inclusion of a separate Western Hemisphere title was a reflection of the importance attached by the committee to the development of a "rational, balanced policy toward South and Central America". The title, which was largely the product of proposals offered by Senator Dodd, was designed to set forth a comprehensive alternative to the administration's current policy of reliance on military force as the solution for resolving regional conflicts in Central America. This section reemphasized congressional support for the Central American peace initiative unveiled February 15, 1987, in San Jose, Costa Rica, and included a policy statement that the United States should support negotiations and other diplomatic efforts to promote United States security interest and the growth of democratic institutions in Nicaragua.

The Western Hemisphere title also included provisions which reenacted an expiring provision in current law prohibiting the condition of U.S. assistance to any country based on that country's assistance to the Contras and prohibiting the sale of supersonic tactical fighter aircraft to any Central American country, thus preventing an escalation in regional militarization. Finally, the bill earmarked a total of $440 million in Economic Support Funds, and placed a ceiling of $150 million on military assistance grants (MAP) for the four Central American democracies, based on an assessment of how aid dollars could be utilized more effectively in furtherance of U.S. interests in the region.

PART F.—PEACE CORPS

In its report, the committee stated that it considered the Peace Corps to be one of the most cost-effective investments the United States makes abroad, and reiterated its commitment to providing the necessary authorization to achieve a full 10,000-volunteer force for the Peace Corps over the next 6 years. Consistent with this view, the bill authorized $146.2 million for the Peace Corps in fiscal year 1988.

PART G.—MULTILATERAL DEVELOPMENT BANKS

In keeping with the program-level freeze adopted by the committee, fiscal year 1988 authorization of appropriations for U.S. participation in the funding of replenishment of the International Development Association, the Asian Development Fund, and the African Development Bank were limited to fiscal 1987 levels. The committee stated its hope that any shortfalls in U.S. contributions which would result from this program-level freeze could be made up in later years.

The committee did not accept, however, the following provisions offered during the 4-day markup:

—a Senator Lugar amendment to raise the Pell/Helms funding mark for bilateral aid from $11.154 billion to $12.075 billion, the amount requested by the administration—rejected 4-13;

—a Senator Kassebaum amendment to require proportional reductions in all earmarks if the overall account is reduced—rejected 4-13;

—a Senator Helms amendment requiring that all projects in the West Bank and Gaza funded through United States provision to the Jordan development program be coapproved by Israel—rejected 2-15;

—a Senator Helms amendment prohibiting funds for population control from going to any organization involved in management of a program of coercive abortion or involuntary sterilization—rejected 7-11;

—a Senator Helms amendment to establish an incremental escalation in the percentage of PVO funding that must be from the private sector, and increasing the earmark for PVO's—rejected 2-14;

—a Senator McConnell amendment to delete the bill's $50 million earmark for the Southern African Development Coordination Conference—rejected 5-13;

—a Senator McConnell amendment applying to the southern African countries, as a precondition for assistance, certain human rights standards—rejected 2-15;

—a Senator Helms amendment prohibiting assistance to southern African countries which have troops stationed outside their borders or permitted foreign military troops within their borders for the purpose of suppressing pro-Western insurrections—rejected 2-15;

—a Senator Cranston amendment to delete the bill's extension of the waiver on prohibitions for police training for El Salvador and Honduras—rejected 5-12;

—a Senator Helms amendment to delete the bill's prohibition on the sale of supersonic tactical fighter aircraft to Central American countries—rejected 9-10;

—a Senator Helms amendment to delete the bill's limitation on military assistance to Central America—rejected 9-10;

—a Senator Helms amendment requiring an annual State Department report accounting for the activities of, and government support for, international terrorist groups, and providing for the termination of aid to governments known to have supported terrorist groups—rejected 6-10; and,

—a Senator Helms amendment to delete the bill's expedited procedures for consideration of narcotics decertification established by the 1986 Anti-Drug Abuse Act—rejected 5-13.

UNITED STATES TRADE FACILITATION ACT OF 1987

The primary purpose of S. 1406 was to establish an Office of Multilateral Development Bank Procurement within the Department of Treasury, to authorize U.S. participation in the Multilateral Investment Guarantee Agency, and to address the international debt crisis in order to better facilitate U.S. trade with developing countries.

The following is a summary of the bill's major provision.

With respect to the Multilateral Investment Guarantee Agency (MIGA), the bill conditioned U.S. participation on the adoption of written policies by MIGA to ensure that its activities did not adversely affect the U.S. trade balance or result in the loss of jobs.

The bill also established the Trade and Development Program (TDP) as an entity independent of the Agency for International Development, but within the authority of the International Development Cooperation Agency; and transferred authority for the mixed credit program from AID to TDP. The measure also provided an additional $25 million for TDP, to be earmarked for training activities of foreign nationals undertaken in the United States, with a special emphasis on nationals from the People's Republic of China.

Finally, the bill instructed the Secretary of the Treasury to examine and report to Congress on alternatives for dealing with the international debt crisis, including allocation of special drawing rights through the IMF, and the establishment of a multilateral debt management facility.

On May 18, 1987, the Subcommittee on International Economic Policy, Trade, Oceans, and Environment held a public hearing on the trade-related aspects of various foreign assistance programs within the committee's jurisdiction. The full committee considered the matter during a 2-day markup session on May 20 and June 4, 1987, and voted 19–0 to report an original bill, S. 1406 (S. Rept. 100–81).

On June 22, 1987, the Senate ordered S. 1406 to lie on the table. The measure was subsequently incorporated as an amendment to S. 1420, which in turn was incorporated as an amendment to H.R. 3. H.R. 3 passed the Senate on July 21, 1987 by a vote of 71–27, but was vetoed by the President on May 24, 1988. The House voted 308–113 to override the President's veto, but on June 8, 1988, the President's veto was sustained in the Senate by a vote of 61–37.

RELEASE OF USIA FILMS ON THE MARSHALL PLAN

S. 2365, authorizing the release of 86 USIA films with respect to the Marshall plan, directed the U.S. Information Agency to release these films to the Archivist of the United States for public distribution. S. 2365 was introduced by Senator Kerry on May 11, 1988, and was referred to the Foreign Relations Committee on the same day. The committee reported the bill on June 21, 1988, without amendment or written report. As reported by the committee, S. 2365 passed the Senate by voice vote on June 23, 1988.

S. 2365 was received in the House and referred to the Foreign Affairs Committee on June 27, 1988. On September 20, 1988, the House passed S. 2365 by voice vote, with three major additions. First, for future release of USIA films, the House bill sought to establish a system whereby films distributed outside the United States more than 12 years earlier, or films which were produced 12 years earlier but never distributed, may be released in the United States. Second, the House bill would temporarily extend the operations of USIA's Worldnet passive programming in Europe. Third, the text of H.R. 3651, the anti-terrorism and arms export amendments, was attached to S. 2365 as a procedural amendment designed to induce Senate action on this matter. The House amendments to the Senate bill were received in the Senate on September 22, 1988, and held at the desk. No further action was taken on S. 2365 during the 100th Congress.

SUPPORTING THE INTERNATIONAL DECADE FOR NATURAL DISASTER REDUCTION

As a means of supporting the International Decade for Natural Disaster Reduction, Senate Concurrent Resolution 131 declared congressional endorsement for the establishment of a United States Decade for Natural Disaster Reduction. S. Con. Res. 131 was submitted by Senator Hatch for himself and eight cosponsors on July 7, 1988, and referred to the Foreign Relations Committee. The committee was discharged from further consideration on October 19, 1988, and was agreed to in the Senate by voice vote, without amendment. S. Con. Res. 131 was sent to the House on October 19, 1988, but no further action was taken.

FOREIGN AGENTS REGISTRATION IMPROVEMENT ACT

As introduced by Senator Simon on May 21, 1987, S. 1268 sought to increase the free flow of ideas into the United States by amending the Foreign Agent Registration Improvement Act of 1938. Originally introduced in the 99th Congress, the proposed legislation would substitute references to "political propaganda" contained in the Act, with a more neutral term, "advocacy material".

S. 1268 was referred to the Foreign Relations Committee on May 21, 1987, and was ordered reported on July 13, 1988, with an amendment and without written report. The committee amendment retained the proposed use of the term "advocacy material", but deleted from the 1938 act the requirement that an agent for a foreign principal must submit a signed statement concerning certain mailings of advocacy material on behalf of the foreign principal, and that such mailings must contain the agent's address as well as a notice that registration statements are available at the Department of Justice.

As amended, S. 1268 passed the Senate by voice vote on July 25, 1988, and was sent to the House on the following day. The measure was referred to the House Judiciary Committee, but no further action occurred.

E. NOMINATIONS

Referred	181
Reported/Confirmed	145
Returned to President upon adjournment of Congress	35
Withdrawn by President	1
Representatives to conferences:	
Referred	28
Confirmed	24
Returned to President	4
Peace Corps National Advisory Council:	
Referred	19
Confirmed	1
Foreign Service promotions:	
Referred	2,062
Confirmed	2,034

DEPARTMENT OF STATE

There were 12 nominations for State Department officials referred to the committee, 10 of which were confirmed by the Senate. These nominations were for Under Secretary (1), Counselor, Assistance Secretary (6), Inspector General, Senior Representative for Strategic Technology Policy in the Office of the Under Secretary, Director of the Office of Foreign Missions (not confirmed), and Coordinator for International Communications and Information Policy (not confirmed).

AMBASSADORS

A total of 84 country Ambassadors was referred during the 100th Congress. Of these 84 nominations, 76 were reported and confirmed by the Senate. In addition, the committee received one nomination of Ambassador-at-Large, 2 for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period, and 9 for the rank of Ambassador or Minister during the tenure of the nominee's service in that particular position. These positions include representatives or negotiators on textile meetings, and for the Commissioner General of the United States Exhibition for the International Exposition in Brisbane, Australia. The rank of Ambassador was also included in 8 of the appointments listed below under International Organizations.

OTHER AGENCIES

There were 64 nominations for officials of executive branch agencies other than the Department of State as follows: Agency for International Development (4), Arms Control and Disarmament Agency (3), General Advisory Committee of ACDA (8), Board for International Broadcasting (9), Overseas Private Investment Corporation (5), Peace Corps National Advisory Council (19), U.S. Information Agency (2), U.S. Advisory Commission on Public Diplomacy (5), and Advisory Board for Radio Broadcasting to Cuba (9). Thirty-four of these nominations were returned to the President at the end of the second session.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

The committee received 25 nominations for U.S. officials to the following organizations: African Development Bank, African Development Foundation, Asian Development Bank, Inter-American Development Bank, Inter-American Foundation, International Bank for Reconstruction and Development, International Monetary Fund, North Atlantic Treaty Organization, Organization for Economic Cooperation and Development, European Community, International Atomic Energy Agency, and the United Nations. Seven of these had the rank of Ambassador.

There were 28 nominees to serve as representatives and alternate representatives of the United States to the United Nations General Assembly and the General Conference of the International Atomic Energy Agency. Twenty-four of these were confirmed by the Senate.

F. MISCELLANEOUS ACTIVITIES

The committee held 175 open sessions and 32 meetings in executive (closed) session, while subcommittees met in 52 open meetings and 9 executive sessions. These included hearings on legislation, treaties, and nominations, as well as briefings and consultations with officials of the executive branch and nongovernment witnesses on current foreign policy matters. Members and staff made individual trips abroad and participated in interparliamentary conferences to further exercise the legislative oversight responsibilities of the committee. On 78 occasions the committee members received heads of state and senior officials of foreign governments to discuss matters of mutual interest.

MEETINGS

The open and executive (indicated with *) meetings of the full committee are as follows:

Jan. 13 and 15, 1987—Ex. N 94-2, Threshold Test Ban Treaty/Peaceful Nuclear Explosions Treaty (TTBT/PNET).
Jan. 14, 16, 21*, 23 and 27, 1987 U.S. Policy toward Iran.
Jan. 15, 1987 Business meeting.
Jan. 28 and Feb. 5, 1987—S. 184, U.S. Policy Options with respect to Nicaragua and aid to the Contras.
Feb. 3, 1987—Discussion on Ex. N. 94-2, TTBT/PNET.
Feb. 18, 1987—Business Meeting.
Feb. 19, 1987—Markup on Ex. N. 94-2, TTBT/PNET.
Feb. 20, 1987—Nominations (Derwinski and Raphel).
Feb. 24, 1987—S. 720, International security and development assistance and S. 766, State Department authorization.
Feb. 24, 1987—Business meeting.
Feb. 25, 1987—S. 739, Multilateral Development Banks Authorization Request.
*Feb. 26, 1987—Nomination (Raphel).
Feb. 26 and Mar. 10, 1987—S. 720, International security and development assistance.
Feb. 26, 1987—Nominations (Lamb, Linkletter, and Petrone).
Mar. 10, 1987—Business Meeting.
Mar. 11, 1987—Joint hearing with Judiciary Committee. Anti-Ballistic Missile Treaty and the Constitution.
Mar. 16, 1987—Briefing by Council on Foreign Relations on their recent trip to Moscow.
Mar. 17, 1987—S. 767, U.S. Information Agency and S. 740, Board for International Broadcasting authorization.
Mar. 19, 1987—U.S. contributions to the United Nations.
Mar. 24, 1987—S. 766, Department of State and National Endowment for Democracy authorization.
Mar. 24, 1987—Business Meeting.
Mar. 24, 1987—S. 859, Arms Control and Disarmament Agency authorization
Mar. 26, 1987—Joint hearing with Judiciary Committee—Anti-Ballistic Missile Treaty and the Constitution.
Mar. 26, 1987—S. 815 and S. 842, Peace Corps authorization.
Mar. 26, 1987—Business Meeting.
*Mar. 31, 1987—Problems Related to International Shipping in the Persian Gulf.
Mar. 31, 1987—Business Meeting.
Apr. 8, 1987—Business meeting.
Apr. 8, 9, 22, and 23, 1987—S. 720, Markup of international security and development assistance requests.
Apr. 29, 1987—Joint hearing with Judiciary Committee—Anti-Ballistic Missile Treaty and the Constitution.
Apr. 30, 1987—Embassy Security in Moscow.
May 5, 1987—Business Meeting.
May 5, 6, 12, 14, and 15, 1987—S. 740, S. 766, S. 767, and S. 859, Foreign Relations Authorization Act Markup.
May 8, 1987—Foreign Relations Committee Trade Issues.
May 19, 1987—S. Res. 167, ABM Treaty Interpretation Resolution Markup and Committee business.
*May 19, 1987—U.S.S. *Stark* Incident and its Implications.
May 20, 1987—Foreign Relations Committee Trade Legislation Markup.
May 21, 1987—S.J. Res. 128, Resolution of Disapproval of the Sale of F-5 Aircraft to Honduras.
May 28, 1987—Nominations (Ferguson, Lamb, Pelletreau, Polansky, and Shad; Frank, Platt, and Thomsen).
May 29, 1987—U.S. Policy in the Persian Gulf.
June 2, 1987—Business Meeting.
June 4, 1987—Foreign Relations Committee Trade Legislation Markup.
June 10 and 11, 1987—S.J. Res. 153, Prohibiting the Transfer of Maverick Missiles to Saudi Arabia.
*June 16, 1987—S. 1327, Preventing United States Involvement in Hostilities in the Persian Gulf.

*June 17, 1987—S. 1327, Preventing United States Involvement in Hostilities in the Persian Gulf, and Report to Congress on Security Arrangements in the Persian Gulf.
June 23, 1987—Current Situation in the Persian Gulf.
June 25 and 30, 1987—S. 1327, To Prevent U.S. Involvement in Hostilities in the Persian Gulf Markup.
June 30, 1987—Business Meeting.
June 30, 1987—Nomination (Viets).
*July 9, 1987—Possible Arrangement with Egypt for the M-1 Abrams Tank.
*July 21, 1987—Recent Developments Regarding Pakistan Nuclear Program.
July 24, 1987—Nominations (Platt and Wygant; Howell and Suddarth).
July 28, 1987—Nominations (Rich and Tull).
July 28, 1987—Business Meeting.
*July 28, 1987—Briefing on Ambassador Walters' Recent Trip to Moscow and Beijing and United Nations Security Council Resolutions on the Persian Gulf.
July 31, 1987—Treaty Doc. 100-3, Annex V, Maritime Pollution Convention (MARPOL).
Aug. 5, 1987—S. 1437, Diplomatic Crimes Legislation.
*Aug. 5, 1987—Briefing on the Arab-Israeli Military Balance.
Sept. 10, 1987—Central American Peace Plan.
Sept. 16, 1987—Nominations (Rochwarger and Sommer; Michel).
Sept. 17, 1987—The Current Status of United States-People's Republic of China Relations.
Sept. 22, 1987—Nomination (Woods).
Sept. 23, 1987—Business Meeting.
Sept. 24, 1987—Treaty Doc. 100-5, Treaty on Fisheries between the Governments of Certain Pacific Island States and the United States; and Treaty Doc. 100-1, the International Wheat Agreement.
Sept. 24, 1987—Business Meeting.
*Sept. 29, 1987—U.S.-Soviet Bilateral Agreement on Embassy Construction.
Sept. 30, 1987—Nominations (Hinton and Howland).
Oct. 1, 1987—Treaty Doc. 99-20, the International Labor Organization Convention (No. 144) Concerning Tripartite Consultations; and Treaty Doc. 99-21, the Convention (No. 147) Concerning Minimum Standards in Merchant Ships.
Oct. 8, 1987—Acid Rain: U.S.-Canadian Relations.
Oct. 9, 1987—Nomination (Houston).
*Oct. 16, 1987—Informal executive briefing on the Persian Gulf.
Oct. 21, 1987—Business Meeting.
Oct. 21, 1987—Treaty Doc. 99-20, the International Labor Organization Convention (No. 144) Concerning Tripartite Consultations; and Treaty Doc. 99-21, the Convention (No. 147) Concerning Minimum Standards in Merchant Ships.
Oct. 23, 1987—Situation in the Persian Gulf.
Oct. 28, 1987—United Nations Role in the Persian Gulf.
Oct. 28, 1987—Nominations (Moran, Pringle, and Shinn).
Nov. 3, 1987—Business Meeting.
Nov. 6, 1987—Nominations (Vest and Harrop).
Nov. 10, 1987—Joint hearing with the Committee on Labor and Human Resources—Reviewing the Activities of the United States Institute of Peace.
Nov. 19, 1987—Business Meeting.
*Nov. 30, 1987—Informal, off-the-record discussion with Gen. Colin L. Powell, Assistant to the President for National Security Affairs.
Dec. 1, 1987—Nominations (Dunbar, Frank, and Glaspie).
*Dec. 1, 1987—Situation in Haiti.
Dec. 2, 3, and 8, 1987—H.R. 1777, House-Senate Conference on Foreign Relations Authorization Act.
Dec. 4, 1987—Nominations (Bailey and Schneider).
*Dec. 4, 1987—Situation in the Persian Gulf.
Dec. 9, 1987—Nominations (Perrin, Davis, and Grunwald).
Dec. 9, 1987—U.S. Role in International Efforts to Control and Prevent the Global Spread of the AIDS Epidemic on U.S. Foreign Policy.
Dec. 10, 1987—Nomination (Melton).
Dec. 15, 1987—United States-Japan Nuclear Cooperation Agreement.
Dec. 17, 1987—Business Meeting.
Jan. 25, 26, 27, and 28, 1988; Feb. 1, 2, 3, 4, 5, 16, 17,* 18, 19, 22, 23, and 24, 1988; Mar. 3, 14, 16, 17, and 22, 1988; Treaty Doc. 100-11, Treaty Between the U.S. and the U.S.S.R. on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.

Jan. 25, 1988—Business Meeting.
Jan. 28, 1988—Nomination (Williamson).
Jan. 29, 1988—Nominations (Burns, Spearman, and Norris).
Feb. 2, 1988—Business Meeting.
Feb. 3, 1988—Business Meeting.
Feb. 17, 1988—Treaty Doc. 100-10, Montreal Protocol on Substances that Deplete the Ozone Layer.
Feb. 17, 1988—Business Meeting.
*Feb. 26, 1988—Contra Aid Program. (Joint hearing with the Senate Select Committee on Intelligence.)
Mar. 3, 1988—Business Meeting.
*Mar. 4, 1988—Situation in Panama.
Mar. 4, 1988—Business Meeting.
Mar. 14, 1988—To Review the President's Annual International Narcotics Control Strategy Report (INCSR) and Certification.
*Mar. 17, 1988—The Honduras-Nicaragua Situation.
*Mar. 18, 1988—Situation in Afghanistan.
Mar. 22, 23, 24, 28, 29, and 30, 1988—Treaty Doc. 100-11, Treaty between the U.S. and the U.S.S.R. on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, Markup.
Mar. 23, 1988—Business Meeting.
Mar. 25, 1988—Nomination (Amstutz).
Mar. 28, 1988—Business Meeting.
Mar. 29, 1988—Business Meeting.
Apr. 12, 1988—Business Meeting.
*Apr. 14, 1988—U.S. Policy and the Situation in Panama and Related Issues.
Apr. 19, 1988—Nominations (Murphy and Bernthal).
Apr. 20, 1988—Treaties Relating to Mutual Legal Assistance in Criminal Matters (MLATs).
*Apr. 21, 1988—Recent Developments in the Iran-Iraq War and the Persian Gulf Region.
Apr. 26, 1988—Business Meeting.
Apr. 28, 1988—Nominations (Gelbard and Walker).
May 10, 1988—To Receive Material Under Subpoena Approved by the Committee on April 26, 1988.
May 12, 1988—Nomination (Cutler).
May 13, 1988—Business Meeting.
May 16, 1988—Current Status of U.S.-Soviet Discussions on the INF Treaty.
May 17, 1988—Nominations (Gelbard and Walker).
May 19, 1988—The Role of U.S. and South African Churches in Ending Apartheid.
*May 26, 1988—Situation in Panama.
May 26, 1988—Nomination (Walker).
May 27, 1988—Nominations (Barrett, Davidow, Ryan, and Winn).
June 7, 1988—Business Meeting.
June 8, 1988—Nomination (Cutler).
June 9, 1988—Nominations (Gargano, Holwill, and Taylor).
June 10, 1988—Nominations (Krys, Williams, and Wendt).
June 14, 1988—Treaties relating to Mutual Legal Assistance in Criminal Matters (MLATs).
June 15, 1988—U.S.-Saudi Relations.
June 21, 1988—Business Meeting.
June 22, 1988—U.S. Policy Options Toward South Africa.
June 23, 1988—U.S. Policy Options Toward South Africa.
June 23, 1988—Humanitarian Aid to Afghanistan.
June 24, 1988—U.S. Policy Options Toward South Africa.
June 28, 1988—Nominations (Bergold, Djerejian, McCarthy, and Ross).
June 28, 1988—Treaty Doc. 100-4, Conventions on Early Notification of Nuclear Accident; Treaty Doc. 99-7, Amendment to IAEA Statute relating to Board of Governors.
June 28, 1988—Nominations (Fite, Robinson, and Newlin).
June 29, 1988—Nominations (McNamara and Towell).
June 29, 1988—The Situation in Haiti.
July 6, 1988—S. 2006, Overseas Private Investment Corporation Amendments Act of 1988.
July 11, 1988—Treaty Doc. 99-27, Berne Convention for Protection of Literary and Artistic Works.
July 13, 1988—Business Meeting.

July 25, 1988—Nominations (Burroughs, Cundiff, Kordek, Pugh, and Twaddell).
July 27, 1988—Business Meeting.
*July 28, 1988—U.S. Policy Options Toward South Africa Intelligence Issues.
July 29, 1988—U.S. Obligations to the United Nations and the Current Financial Crisis.
Aug. 9, 1988—Bilateral Investment Treaties (10) and Tax Treaties (2).
Aug. 11, 1988—Nomination (Adelman).
Sept. 8, 1988—S. 2756, South Africa Sanctions Legislation, Markup.
Sept. 9, 1988—S. 2756, South Africa Sanctions Legislation, Markup.
Sept. 14, 1988—Business Meeting.
Sept. 16, 1988—Nominations (Oakley and Hubbard).
Sept. 20, 1988—Nomination (Gillespie).
Sept. 21, 1988—Foreign Language Competence in the Foreign Service.
Sept. 21, 1988—Nomination (Barkley).
Sept. 22, 1988—Business Meeting.
Sept. 27, 1988—Business Meeting.
Sept. 28, 1988—U.S.-Japan Services Trade.
Oct. 4, 1988—ABM Treaty Review
Oct. 6, 1988—Test Ban Issues.
Oct. 7, 1988—S. 2776, Antiterrorism and Arms Export Amendments Act of 1988.

SUBCOMMITTEE ACTIVITIES

(Subcommittees are listed in the order of the chairman's seniority within the full committee. Senator Pell and Senator Helms were ex officio members of each subcommittee on which they did not serve as members.)

EUROPE

The Subcommittee on European Affairs consisted of the following members from January 6, 1987, through June 30, 1988:

Senators Biden (chairman), Sarbanes, Simon, and Pell (Democrats).

Senators Pressler, Boschwitz, and Trible (Republicans).

From July 1, 1988, through the end of the 100th Congress, the Subcommittee consisted of the following members:

Senators Adams (chairman), Sarbanes, Simon, and Pell (Democrats).

Senators Trible, Pressler, and Boschwitz (Republicans).

The subcommittee held the following hearings:

Mar. 5, 1987—Subcommittee on European Affairs—Nominations (Keel, Kingon, Viets, and Matlock).
Feb. 5, 1988—Subcommittee on European Affairs—Treaty Between the U.S. and the U.S.S.R. on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.

NEAR EASTERN AND SOUTH ASIA

Membership of the Subcommittee on Near Eastern and South Asian Affairs was as follows:

Senators Sarbanes (chairman), Cranston, Sanford, and Moynihan (Democrats).

Senators Boschwitz, Pressler, and McConnell (Republicans).

The subcommittee held the following hearings:

Mar. 23, 1987—S. 720, Subcommittee on Near East and South Asian Affairs—Authorization of appropriations for Near East and South Asian countries.
June 19, 1987—Subcommittee on Near Eastern and South Asian Affairs—Nominations (Horan, DePree, and Korn).

EAST ASIA AND PACIFIC

The Subcommittee on East Asian and Pacific Affairs consisted of the following members from January 6, 1987, through June 30, 1988:

Senators Cranston (chairman), Dodd, Adams, and Pell (Democrats).

Senators Murkowski, Lugar, and Evans (Republicans).

From July 1, 1988, through the end of the 100th Congress, the Subcommittee consisted of the following members:

Senators Cranston (chairman), Dodd, and Pell (Democrats).

Senators Murkowski, Lugar, and Evans (Republicans).

The subcommittee held the following hearings:

Feb. 10 and 11, 1987—U.S. Trade Policy: Implications for Economic Growth, Employment, Competitiveness, and Trade with the Pacific Rim (East Asia and Pacific Subcommittee; held in Los Angeles and San Francisco, California).

Mar. 18, 1987—Subcommittee on East Asian and Pacific Affairs—U.S. Relations with Korea and nomination (Arnold).

Mar. 25, 1987—Subcommittee on East Asian and Pacific Affairs—U.S. Policy toward East Asia and nominations (Monjo and Levin).

Oct. 8, 1987—Subcommittee on East Asian and Pacific Affairs—Current Issues in the Philippines.

Aug. 2, 1988—Subcommittee on East Asian and Pacific Affairs—U.S. Policy Toward Indochina.

LATIN AMERICA, CANADA, AND PEACE CORPS

The Subcommittee on Western Hemisphere and Peace Corps Affairs consisted of the following members from January 6, 1987, through June 30, 1988:

Senators Dodd (chairman), Cranston, Kerry, Sanford, and Pell (Democrats).

Senators Lugar, Kassebaum, Trible, and Evans (Republicans).

From July 1, 1988, through the end of the 100th Congress, the Subcommittee consisted of the following members:

Senators Dodd (chairman), Kerry, Sanford, and Pell (Democrats).

Senators Lugar, Kassebaum, Trible, and Evans (Republicans).

The subcommittee held the following hearings:

Mar. 6, 1987—Subcommittee on Western Hemisphere and Peace Corps Affairs—Endorsing the Costa Rican Peace Initiative (S. Con. Res. 24).

Mar. 25, 1987—S. 720, Subcommittee on Western Hemisphere and Peace Corps Affairs—Authorization of appropriations for Western Hemisphere countries.

June 2, 1987—S.J. Res. 128, Subcommittee on Western Hemisphere and Peace Corps Affairs. Markup of resolution of Disapproval of the Sale of F-5 Aircraft to Honduras.

*June 16, 1987—Subcommittee on Western Hemisphere and Peace Corps Affairs—Costa Rica Peace Initiative.

June 18, 1987—Subcommittee on Western Hemisphere and Peace Corps Affairs—Situation in Panama.

July 23, 1987—S. Res. 248, Subcommittee on Western Hemisphere and Peace Corps Affairs—Concerning the Situation in Haiti.

*July 30, 1987—Subcommittee on Western Hemisphere and Peace Corps Affairs—Situation in Panama.

Oct. 22, 1987—S. 1614, Subcommittee on Western Hemisphere and Peace Corps Affairs—U.S. Policy With Respect to Panama.

Dec. 16, 1987—Subcommittee on Western Hemisphere and Peace Corps Affairs—Situation in Haiti.

May 20, 1988—Subcommittee on Western Hemisphere and Peace Corps Affairs—Oversight on Implementation of H.J. Res. 523—Providing Assistance to the Nicaraguan Resistance in Support of the Central American Peace Process.

TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

The Subcommittee on Terrorism, Narcotics and International Operations consisted of the following members:

Senators Kerry (chairman), Adams, and Moynihan (Democrats).

Senators McConnell and Murkowski (Republicans).

The Subcommittee held the following hearings:

Mar. 16, 1987—S. 720, Subcommittee on Terrorism, Narcotics and International Operations—International Narcotics Program FY 88 Foreign Assistance Request.

May 27, 1987—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: the Bahamas.

May 28, 1987—Subcommittee on Terrorism, Narcotics and International Operations—Nominations (Gabriel, Funk, and Redman).

*June 25 and 26, 1987—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: the Colombian Cartel.

July 15, 1987—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: Central America.

July 23, 1987—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: Money Laundering.

*Aug. 6, 1987—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: Central America.

Oct. 15, 1987—S. 1282, Subcommittee on Terrorism, Narcotics and International Operations—Legislation to Impose Sanctions Against Countries Supporting International Terrorism.

Feb. 8, 9, 10, and 11, 1988—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: Panama.

Apr. 4, 5, 6, 7, and 8, 1988—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: The Cartel, Haiti and Central America.

July 11, 1988—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: Haiti & Panama.

July 12, 1988—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: Haiti & Panama.

July 14, 1988—Subcommittee on Terrorism, Narcotics and International Operations—Drugs, Law Enforcement and Foreign Policy: Haiti & Panama.

Oct. 5, 1988—Subcommittee on Terrorism, Narcotics and International Operations—Narcotics Investigation.

Dec. 5, 1988—Subcommittee on Terrorism, Narcotics and International Operations—Issues Relating to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (Ex. R, 96-2).

AFRICA

The Subcommittee on African Affairs consisted of the following members from January 6, 1987, until June 30, 1988:

Senators Simon (chairman) and Moynihan (Democrats).

Senator Kassebaum (Republican).

From July 1, 1988, through the end of the 100th Congress, the Subcommittee consisted of the following members:

Senators Simon (chairman) (Democrat).

Senator Kassebaum (Republican).

The subcommittee held the following hearings:

Mar. 12, 1987—S. 720, Subcommittee on African Affairs—Foreign assistance to sub-Saharan Africa.

Mar. 17, 1987—Subcommittee on African Affairs—Nominations (Bishop, Crigler, Lyne, and Wells).

May 28, 1987—Subcommittee on African Affairs—Nomination (Smalley).

June 24, 1987—Subcommittee on African Affairs—Mozambique and U.S. Policy.

July 9, 1987—Subcommittee on African Affairs—Nominations (Clark, Gladson, Edelman, Lupo, and Shurtleff).

Oct. 22, 1987—Subcommittee on African Affairs—U.S. Policy Toward South Africa.

Apr. 21, 1988—Subcommittee on African Affairs—Nominations (Trail, Moose, and R. Taylor).

INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

The Subcommittee on International Economic Policy, Trade, Oceans and Environment consisted of the following members from January 6, 1987, through June 30, 1988:

Senators Sanford (chairman), Sarbanes, Dodd, Kerry, and Adams (Democrats).

Senators Evans, Lugar, Murkowski, and Helms (Republicans).

From July 1, 1988, through the the end of the 100th Congress, the Subcommittee consisted of the following members:

Senators Sanford (chairman), Dodd, and Kerry (Democrats).

Senators Helms, Lugar, and Murkowski (Republicans).

The subcommittee held the following hearings:

Mar. 16, 1987—Subcommittee on International Economic Policy, Trade, Oceans and Environment—International Trade and Competitiveness: A Massachusetts Perspective. (Held in Boston, Massachusetts.)

Mar. 20, 1987—Subcommittee on International Economic Policy, Trade, Oceans and Environment—The Economic and Foreign Policy Implications of the Decline of the Dollar.

Oct. 30, 1987—Subcommittee on International Economic Policy, Trade, Oceans and Environment, jointly with the Subcommittee on Terrorism, Narcotics and International Operations—Overseas Private Investment Corporation's Lending Practices.

Nov. 13, 1987—Subcommittee on International Economic Policy, Trade, Oceans and Environment—S. Con. Res. 63, Overview of Economic Assistance to Central America.

Feb. 25, 1988—Subcommittee on International Economic Policy, Trade, Oceans and Environment—Nomination (McAllister).

Apr. 13, 1988—Subcommittee on International Economic Policy, Trade, Oceans and Environment—U.S. Development Assistance and Environmentally Sustainable Development.

Apr. 27, 1988—Subcommittee on International Economics, Trade, Oceans and Environment—Environmentally Sustainable Development in Central America.

WAR POWERS

The Special Subcommittee on War Powers was established pursuant to a committee vote on Dec. 17, 1987. From July 1, 1988, until the end of the 100th Congress, membership of the Subcommittee was as follows:

Senators Biden (chairman), Sarbanes, Cranston, Simon, Adams, and Moynihan (Democrats).

Senators Pressler, Kassebaum, Boschwitz, Evans, and McConnell (Republicans).

The special subcommittee held the following hearings:

July 13, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

July 14, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

Aug. 5, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

Sept. 7, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

Sept. 15, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

Sept. 16, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

Sept. 20, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

Sept. 23, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

Sept. 29, 1988—Special Subcommittee on War Powers—The War Powers Resolution.

STUDIES BY COMMITTEE MEMBERS AND STAFF

The following is a list of study missions and Senate delegations abroad which resulted in printed reports:

Feb. 1987—Trip Report: A Visit to Eastern Europe in the Wake of the 27th Soviet Party congress and the Chernobyl Nuclear Accident on June 28, 1986. Report by Senator Pressler. (S. Prt. 100-13).

Nov. 1987—War in the Persian Gulf: The United States Takes Sides. (S. Prt. 100-60).

Aug. 1988—Nuclear Proliferation in South Asia: Containing the Threat. (S. Prt. 100-121).

Sept. 1988—Meeting of the International Commission for Central American Recovery and Development. (S. Prt. 100-22).

Oct. 1988—Chemical Weapons Use in Kurdistan: Iraq's Final Offensive. (S. Prt. 100-148).

Dec. 1988—The United States and Cuba: Time for a New Beginning. Report of a Trip to Cuba, November 24-28, 1988. By Senator Claiborne Pell. (S. Prt. 100-152).

INTERPARLIAMENTARY ACTIVITIES

Congress, by law, participates in various interparliamentary groups to exchange views and information on mutual problems and concerns. The following are conferences on which written reports were submitted:

Available from House Committee on Foreign Affairs:

July 1987—Twenty-eighth Meeting of the Canada-United States Interparliamentary Group, June 4-8, 1987.

June 1988—Twenty-ninth Meeting of the Canada-United States Interparliamentary Group, May 5-9, 1988.

APPENDIX

COMMITTEE PUBLICATIONS

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATION
	EXECUTIVE REPORTS
Ex. Rept. 100-1, Feb. 27, 1987.	Threshold Test Ban Treaty/Peaceful Nuclear Explosions Treaty report (with additional views).
Ex. Rept. 100-2, March 6, 1987.	Nomination of Arnold Raphel (with additional views).
Ex. Rept. 100-4, July 31, 1987.	Nomination of Nicholas Platt (with additional views).
Ex. Rept. 100-5, July 31, 1987.	Nomination of Richard N. Viets (with additional views).
Ex. Rept. 100-8, Oct. 14, 1987.	MARPOL Convention, Annex V.
Ex. Rept. 100-9, Oct. 22, 1987.	Fisheries Treaty with Certain Pacific Island States.
Ex. Rept. 100-10, Oct. 30, 1987.	International Wheat Agreement, 1986.
Ex. Rept. 100-11, Dec. 17, 1987.	ILO Convention No. 144, Concerning Tripartite Consultations To Promote the Implementation of International Labor Standards.
Ex. Rept. 100-12, Dec. 17, 1987.	ILO Convention No. 147, Concerning Minimum Standards in Merchant Ships.
Ex. Rept. 100-14, Feb. 19, 1988.	Ozone Protocol.
Ex. Rept. 100-15 (T.D. 100-11) April 14, 1988.	The INF Treaty.
Ex. Rept. 100-17 (T.D. 99-27) July 14, 1988.	Berne Convention.
Ex. Rept. 100-18, July 25, 1988.	Nomination of Robert S. Gelbard.
Ex. Rept. 100-19, July 25, 1988.	Nomination of Christopher W.S. Ross.
Ex. Rept. 100-20 (T.D. 100-4) July 28, 1988.	Convention on Early Notification of a Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency.
Ex. Rept. 100-21 (T.D. 99-7) July 28, 1988.	Amendment to the Statute of the International Atomic Energy Agency Relating to the Composition of the Board of Governors.
Ex. Rept. 100-22 (T.D. 100-9) August 3, 1988.	International Rubber Agreement, 1987.
Ex. Rept. 100-23 (T.D. 99-30) Sept. 22, 1988.	Tax Convention with the United Kingdom (on behalf of Bermuda).
Ex. Rept. 100-24 (T.D. 100-15) Sept. 22, 1988.	Protocol to the Tax Convention with Belgium.
Ex. Rept. 100-25 (T.D. 100-21) Sept. 22, 1988.	Protocol to the Tax Convention with the French Republic.
Ex. Rept. 100-26 (T.D. 100-8) Sept. 30, 1988.	Mutual Legal Assistance Treaty Concerning the Cayman Islands.
Ex. Rept. 100-27 (T.D. 100-13) Sept. 30, 1988.	Mutual Legal Assistance Cooperation Treaty with Mexico.

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATION
Ex. Rept. 100-28 (T.D. 100-14) Sept. 30, 1988.	Treaty with Canada on Mutual Legal Assistance in Criminal Matters.
Ex. Rept. 100-29 (T.D. 100-16) Sept. 30, 1988.	Treaty with Belgium on Mutual Legal Assistance in Criminal Matters.
Ex. Rept. 100-30 (T.D. 100-17) Sept. 30, 1988.	Treaty with the Bahamas on Mutual Assistance in Criminal Matters.
Ex. Rept. 100-31 (T.D. 100-18) Sept. 30, 1988.	Treaty with Thailand on Mutual Assistance in Criminal Matters.
Ex. Rept. 100-32 (T.D. 99-15, 99-17, 99-18, 99-19, 99-22, 99-23, 99-24, 99-25) Sept. 30, 1988.	Investment Treaties with Senegal, Zaire, Morocco, Turkey, Cameroon, Bangladesh, Egypt, and Grenada.

SENATE REPORTS

S. Rept. 100-12 (S. 184) March 6, 1987.	The Central American Peace and Economic Cooperation Act of 1987.
S. Rept. 100-24 (S.J. Res. 90) March 27, 1987.	Resolution Pertaining to the Presidential Certification that the Bahamas has Fully Cooperated with the United States Anti-Drug Efforts.
S. Rept. 100-25 (S.J. Res. 91) March 27, 1987.	Resolution Pertaining to the Presidential Certification that Panama has Fully Cooperated with the United States Anti-Drug Efforts.
S. Rept. 100-26 (S.J. Res. 92) March 27, 1987.	Resolution Pertaining to the Presidential Certification that Mexico has Fully Cooperated with the United States Anti-Drug Efforts.
S. Rept. 100-28, March 31, 1987.	Legislative Activities Report of the Committee on Foreign Relations, Ninety-Ninth Congress.
S. Rept. 100-60 (S. 1274) May 22, 1987.	International Security and Development Cooperation Act of 1987.
S. Rept. 100-63 (S.J. Res. 128) June 5, 1987.	Resolution Prohibiting the Sale of F-5E/F Aircraft to Honduras.
S. Rept. 100-75 (S. 1394) June 18, 1987.	Foreign Relations Authorization Act, Fiscal Year 1988.
S. Rept. 100-81 (S. 1406) June 23, 1987.	United States Trade Facilitation Act of 1987.
S. Rept. 100-102 (S. 1327) July 7, 1987.	Preventing United States involvement in hostilities in the Persian Gulf.
S. Rept. 100-106 (S. 1343) July 10, 1987.	To require that the use of U.S. Armed Forces to escort, protect or defend certain reregistered vessels in the Persian Gulf comply with the War Powers Resolution (with additional views).
S. Rept. 100-112 (S. 1498) July 15, 1987.	Arms Control and Disarmament Amendments Act of 1987.
S. Rept. 100-164 (S. Res. 167) Sept. 22, 1987.	The ABM Treaty Interpretation Resolution (with additional views).
S. Rept. 100-257 (S. 1614) Dec. 15, 1987.	Restricting U.S. Assistance to Panama.
S. Rept. 100-282 (S.J. Res. 24) Feb. 2, 1988.	Joint Resolution relating to Central America pursuant to House Joint Resolution 395 of the 100th Congress.
S. Rept. 100-299 (S. Res. 384) March 16, 1988.	Resolution regarding the ban on political activity in South Africa and the denial of passports to certain South Africans.
S. Rept. 100-545 (S. 2756) Rept. 23, 1988.	Anti-Apartheid Act Amendments of 1988.

HEARINGS

January 13 and 15, 1987......	Ex. N 94-2, Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty. (S. Hrg. 100-115).
January 14, 16, 23 and 27, 1987.	United States Policy toward Iran. (S. Hrg. 100-243).
January 28 and February 5, 1987.	United States Policy Options with Respect to Nicaragua and Aid to the Contras. (S. Hrg. 100-139).

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATION
February 24, 25, 26 and March 10, 1987.	Security and Development Assistance. (S. Hrg. 100-361). (Part 1)
March 11, 26 and April 29, 1987.	The ABM Treaty and the Constitution. (Joint Hearing with the Committee on the Judiciary.) (S. Hrg. 100-110).
March 12, 16, 23, 25, and 26, 1987.	Security and Development Assistance. (S. Hrg. 100-361). (Part 2)
March 16, 1987	International Trade and Competitiveness: A Massachusetts Perspective. (Subcommittee on International Economic Policy, Trade, Oceans and Environment.) (S. Hrg. 100-308).
March 17, 19, 24, and April 30, 1987.	Foreign Relations Authorization Act. (S. Hrg. 100-405).
March 24, 1987	Arms Control and Disarmament Amendments Act of 1987. (S. Rept. 100-112).
May 27, July 15, and October 30, 1987.	Drugs, Law Enforcement and Foreign Policy. (S. Hrg. 100-773, Pt. 1).
May 29, June 16, and October 23 and 28, 1987.	U.S. Policy in the Persian Gulf. (S. Hrg. 100-772).
June 24, 1987	Mozambique and United States Policy. (S. Hrg. 100-283).
July 31, 1987	MARPOL Convention, Annex V. (Exec. Rept. 100-8).
August 5, 1987	Diplomatic Crimes Legislation—S. 1437. (S. Hrg. 100-969).
September 24, 1987	Fisheries Treaty with Certain Pacific Island States. (Exec. Rept. 100-9).
September 24, 1987	International Wheat Agreement, 1986. (Exec. Rept. 100-10).
October 8, 1987	Current Issues in the Philippines. (S. Hrg. 100-613).
October 22, 1987, and June 22, 23, and 24, 1988.	United States Policy Toward South Africa. (S. Hrg. 100-984).
November 10, 1987	Oversight of the U.S. Institute of Peace. (S. Hrg. 100-432. (Joint hearing with the Committee on Labor and Human Resources.)
December 9, 1987	U.S. Role in International Efforts to Control and Prevent the Global Spread of the AIDS Epidemic on U.S. Foreign Policy. (S. Hrg. 100-968).
January 25, 26, 27, and 28, 1988.	The INF Treaty. (S. Hrg. 100-522, Pt. 1).
February 1, 2, 3, 4, and 5, 1988.	The INF Treaty. (S. Hrg. 100-522, Pt. 2).
February 8, 9, 10, and 11, 1988.	Drugs, Law Enforcement, and Foreign Policy: Panama. (S. Hrg. 100-773, Pt. 2).
February 16, 18, and 19, 1988.	The INF Treaty. (S. Hrg. 100-522, Pt. 3).
February 22, 23, 24, and March 3, 1988.	The INF Treaty. (S. Hrg. 100-522, Pt. 4).
March 14, 16, 17, and 22, 1988.	The INF Treaty. (S. Hrg. 100-522, Pt. 5).
March 22, 23, 24, 28, 29, and 30, and May 16, 1988.	The INF Treaty. (S. Hrg. 100-522, Pt. 6).
April 4, 5, 6, and 7, 1988	Drugs, Law Enforcement and Foreign Policy: The Cartel, Haiti and Central America. (S. Hrg. 100-773, Pt. 3).
April 13 and 27, 1988	U.S. Development Assistance and Environmentally Sustainable Development. (S. Hrg. 100-967).
May 19, 1988	Role of U.S. and South African Churches in Ending Apartheid. (S. Hrg. 100-982).
July 11, 12, and 14, 1988	Drugs, Law Enforcement and Foreign Policy: Haiti and Panama. (S. Hrg. 100-773, Pt. 4).
July 13 and 14, August 5, and September 7, 15, 16, 20, 23, and 29, 1988.	The War Power After 200 Years: Congress and the President at a Constitutional Impasse. (S. Hrg. 100-12).

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATION
September 28, 1988	United States-Japan Services Trade.
October 6, 1988	Test Ban Issues. (S. Hrg. 100-1000).
	COMMITTEE PRINTS
February 1987	Country Reports on Human Rights Practices. Submitted by the Department of State. (Joint Committee Print with House Foreign Affairs.) (S. Prt. 100-10).
February 1987	Trip Report—A Visit to Eastern Europe in the Wake of the 27th Soviet Party congress and the Chernobyl Nuclear Accident on June 28, 1986. Report by Senator Pressler. (S. Prt. 100-13).
March 1987	Rules of the Committee on Foreign Relations. (S. Prt. 100-15).
March 1987	Legislation on Foreign Relations Through 1986, Vol. I (Joint Committee Print with House Foreign Affairs.) (S. Prt. 100-21).
June 1987	Legislation on Foreign Relations Through 1986, Vol. II (Joint Committee Print with House Foreign Affairs.) (S. Prt. 100-21).
June 1987	Fiscal Year 1988 Arms Control Impact Statements. (Joint Committee Print with House Foreign Affairs.)
August 1987	Membership and Jurisdiction of Subcommittees. (S. Prt. 100-43).
September 1987	U.S. Arms Control and Disarmament Agency 1986 Annual Report. (Joint Committee Print with House Foreign Affairs.) (S. Prt. 100-47).
November 1987	War in the Persian Gulf: the United States Takes Sides. (S. Prt. 100-60).
December 1987	Executive Sessions of the Senate Foreign Relations Committee (Historical Series), Volume XVI, 88th Congress, Second Session, 1964.
February 1988	Country Reports on Human Rights Practices for 1987. (Joint Committee Print with House Foreign Affairs.)
March 1988	International Narcotics Control and Foreign Assistance Certification: Requirements, Procedures, Timetables, and Guidelines. (Prepared by the Congressional Research Service.) (S. Prt. 100-83).
March 1988	Legislation on Foreign Relations Through 1987, Vol. I. (Joint Committee Print with House Foreign Affairs.)
March 1988	Legislation on Foreign Relations Through 1987, Vol. II. (Joint Committee Print with House Foreign Affairs.)
April 1988	Legislation on Foreign Relations Through 1987, Vol. IV. (Joint Committee Print with House Foreign Affairs.)
April 1988	Fiscal Year 1989 Arms Control Impact Statements. (Joint Committee Print with House Foreign Affairs.)
May 1988	U.S. Arms Control and Disarmament Agency 1987 Annual Report. (Joint Committee Print with House Foreign Affairs.) (S. Prt. 100-126).
August 1988	Nuclear Proliferation in South Asia: Containing the Threat. (S. Prt. 100-121).
August 1988	The United States-Philippine Relationship in the Next Administration and Beyond. (S. Prt. 100-128).
September 1988	Meeting of the International Commission for Central American Recovery and Development. (S. Prt. 100-22).
October 1988	Chemical Weapons Use in Kurdistan: Iraq's Final Offensive. (S. Prt. 100-148).
December 1988	The U.S. Government and the Vietnam War — Executive and Legislative Roles and Relationships, Part III. (S. Prt. 98-185, Pt. 3).

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATION
December 1988	Inter-American Relations. A Collection of Documents, Legislation, Descriptions of Inter-American Organizations, and Other Material Pertaining to Inter-American Affairs. (Joint Committee Print with House Foreign Affairs.)
December 1988	The United States and Cuba: Time for a New Beginning. Report of a Trip to Cuba, November 24-28, 1988. By Senator Claiborne Pell. (S. Prt. 100-152).
	PUBLIC LAWS
P.L. 100-167 (H.R. 3428) Nov. 17, 1987.	To provide for the distribution within the United States of the film entitled "America The Way I See It".
P.L. 100-169 (S.J. Res. 205) Nov. 17, 1987.	Expressing the sense of the Congress that United Nations General Assembly Resolution 3379 (XXX) should be overturned.
P.L. 100-204 (H.R. 1777) Dec. 21, 1987.	Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.
P.L. 100-213 (H.R. 2689) Dec. 24, 1987.	Arms Control and Disarmament Amendments Act of 1987.
P.L. 100-305 (S.J. Res. 235) May 2, 1988.	Deploring the Soviet Government's active persecution of religious believers in the Ukraine.
P.L. 100-362 (H.R. 4162) July 6, 1988.	To make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States.
P.L. 100-449 (H.R. 5090) Sept. 28, 1988.	To implement the United States-Canada Free-Trade Agreement.

NOTE: T.D. is an abbreviation for Treaty Doc.

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